



भारत का राजपत्र

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

भाग II--खण्ड 3--उपखण्ड (ii)

PART II—Section 3—Sub-section (ii)

रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ क्षेत्र प्रशासन को छोड़कर)
केन्द्रीय प्राधिकरणों द्वारा जारी किये गये विधिक आदेश और अधिसूचनाएं।

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

ELECTION COMMISSION OF INDIA

New Delhi, the 7th November 1970

S. O. 3773—In exercise of the powers conferred by section 21 and sub-section (1) of section 22 of the Representation of the People Act, 1951 (43 of 1951), and in supersession of its notification No. 434/PB/68, dated the 11th December, 1968 as amended from time to time the Election Commission hereby appoints in respect of each of the Parliamentary Constituencies in the State of Punjab specified in column 1 of the Table below—

- the officer specified in the corresponding entry in column 2 of the said Table to be the Returning Officer; and
- the officers specified in the corresponding entries in column 3 of the said Table to be the Assistant Returning Officers

TABLE

Serial No. and Name of the Constituency	Returning Officer	Assistant Returning Officer
I	2	3
1. Fazilka	Deputy Commissioner, Ferozepur.	1. General Assistant, Ferozepur. 2. Sub-Divisional Officer, Fazilka. 3. Executive Magistrate I Fazilka. 4. Sub-Divisional Officer, Muktsar. 5. Sub-Divisional Officer, Faridkot. 6. Revenue Assistant Agrarian Reforms Ferozepur.

1	2	3
2 Ferozepur	Deputy Commissioner, Ferozepur	1 Sub-Divisional Officer Ferozepur 2 General Assistant, Ferozepur 3 Public Grievances Officer, Ferozepur 4 Sub-Divisional Officer, Mega 5 Executive Magistrate I Mega 6 Sub-Divisional Officer, Zira
3, Tarn Taran	Deputy Commissioner, Amritsar	1 Sub-Divisional Officer Amritsar 2 Sub-Divisional Officer Ajnala 3 Sub-Divisional Officer, Patti 4 Sub-Divisional Officer, Tarn Taran 5 Civil Defence Officer, Amritsar
4 Amritsar	Deputy Commissioner, Amritsar	1 Civil Defence Officer, Amritsar 2 General Assistant I, Amritsar 3 General Assistant II, Amritsar 4 Sub-Divisional Officer Ajnala 5 Sub-Divisional Officer Batala 6 Public Grievances Officer, Amritsar
5 Gurdaspur	Deputy Commissioner, Gurdaspur	1 Sub-Divisional Officer Gurdaspur 2 Civil Defence Officer Gurdaspur 3 District Transport Officer Gurdaspur 4 Sub-Divisional Officer, Ferozkot 5 Sub-Divisional Officer, Deriya 6 District Development and Panchayat Officer, Gurdaspur
6, Hoshiarpur	Deputy Commissioner, Hoshiarpur	1 Sub-Divisional Officer Ferozkot 2 District Transport Officer, Hoshiarpur 3 Sub-Divisional Officer, Garhshankar 4 Sub-Divisional Officer, Deriya 5 Sub-Divisional Officer Anandpur-Sahib 6 Public Grievances Officer Hoshiarpur
7, Jullundur	Deputy Commissioner, Jullundur	1 Sub-Divisional Officer, Jullundur 2 District Development and Panchayat Officer, Jullundur 3 Executive Magistrate I, Jullundur 4 Sub-Divisional Officer, Nakodar 5 Sub-Divisional Officer Kapurthala 6 Sub-Divisional Officer Sultanpur
8, Phillaur	Deputy Commissioner, Jullundur	1 General Assistant, Jullundur 2 Executive Magistrate I Jullundur 3 Sub-Divisional Officer Phillaur 4 Sub-Divisional Officer Nawabshahr 5 Sub-Divisional Officer, Phagwara 6 District Transport Officer, Hoshiarpur 7 Sub-Divisional Officer, Nakodar
9 Ludhiana	Deputy Commissioner, Ludhiana	1 Sub-Divisional Officer Ludhiana 2 Sub-Divisional Officer, Jagraon 3 Executive Magistrate I, Ludhiana 4 District Development and Panchayat Officer, Ludhiana

(1)	(2)	(3)
10 Ropar	Deputy Commissioner, Ropar	1 Sub-Divisional Officer, Ropar 2 Sub-Divisional Officer, Khara 3 Sub-Divisional Officer, Samrala 4 Sub-Divisional Officer, Nabha 5 Sub-Divisional Officer, Fatehgarh Sahib at Bassi
11 Patiala	Deputy Commissioner, Patiala	1 Sub-Divisional Officer, Patiala 2 General Assistant I. Patiala 3 General Assistant II. Patiala 4 Sub-Divisional Officer, Samana 5 Sub-Divisional Officer, Rajpura 6 Sub-Divisional Officer, Sunam
12 Sangrur	Deputy Commissioner, Sangrur	1 Sub-Divisional Officer, Sangrur 2 Sub-Divisional Officer, Barnala 3 Sub-Divisional Officer, Malerkotla 4 Sub-Divisional Officer, Rampura Phul at Phul 5 Public Grievances Officer, Sangrur
13 Bhatinda	Deputy Commissioner, Bhatinda	1 Sub-Divisional Officer, Bhatinda 2 Executive Magistrate (A), Bhatinda 3 Sub-Divisional Officer, Faridkot 4 Sub-Divisional Officer, Mansa 5 Executive Magistrate, Mansa

[No. 434/PB/69.]

भारत निर्वाचन आयोग

नई दिल्ली, 7 नवम्बर, 1970

एस० एन० 3773:—लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 21 तथा धारा 22 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और समय समय पर यथा संशोधित अपनी अधिसूचना सं० 434/पंजाब/68 तारीख 11 दिसम्बर, 1968 की अधिकांत करते हुए निर्वाचन आयोग पृथक् द्वारा निम्नलिखित सारणी के स्तम्भ 1 में विनिर्दिष्ट पंजाब राज्य में क हर एक संसदीय-निर्वाचन क्षेत्रों के बारे में :—

(क) उक्त सारणी के स्तम्भ 2 में तत्सम्बन्धी प्रविष्टि में विनिर्दिष्ट आफिसर को रिटनिंग आफिसर ; और

(ख) उक्त सारणी के स्तम्भों में तत्सम्बन्धी प्रविष्टियों में विनिर्दिष्ट आफिसरों को सहायक रिटनिंग आफिसर, नियुक्त करता है

सारणी

क सं० तथा निर्वाचन क्षेत्र का नाम	रिटनिंग आफिसर	सहायक रिटनिंग/आफिसर
1	2	3
1—फाजिल्का	उपायुक्त, फिरोजपुर	1—साधारण सहायक, फिरोजपुर 2—उपखंड आफिसर, फाजिल्का 3—कार्यपालक, मजिस्ट्रेट, I फाजिल्का 4—उपखंड आफिसर, फरीदकोट 5—उपखंड आफिसर, मुक्तसर 6—राजस्व सहायक, कृषि सुधार, फिरोजपुर

1	2	3
2—फिरोजपुर	उपायुक्त, फिरोजपुर	1—उपखंड आफिसर, फिरोजपुर 2—साधारण सहायक, फिरोजपुर 3—लोकशिकायत आफिसर, फिरोजपुर 4—उपखंड आफिसर, मोंगा 5—कार्यपालक मजिस्ट्रेट, मोंगा 6—उपखंड आफिसर, जीरा
3—तरण तारण	उपायुक्त, अमृतसर	1—उपखंड आफिसर, अमृतसर 2—उपखंड आफिसर, अजनाला 3—उपखंड आफिसर, पट्टी 4—उपखंड आफिसर, तरण तारण 5—सिविल रक्षा आफिसर, अमृतसर
4—अमृतसर	उपायुक्त, अमृतसर	1—सिविल रक्षा आफिसर, अमृतसर 2—साधारण सहायक I, अमृतसर 3—साधारण सहायक II, अमृतसर 4—उपखंड आफिसर, अजनाला 5—उपखंड आफिसर, बटाला 6—लोक शिकायत आफिसर, अमृतसर
5—गुरदासपुर	उपायुक्त, गुरदासपुर	1—उपखंड आफिसर, गुरदासपुर 2—सिविल रक्षा आफिसर, गुरदासपुर 3—जिलापरिवहन आफिसर, गुरदासपुर 4—उपखंड आफिसर, पठानकोट 5—उपखंड आफिसर, दसुआ 6—जिला विकास तथा पंचायत आफिसर गुरदास- पुर
6—होशियारपुर	उपायुक्त, होशियारपुर	1—उपखंड आफिसर, होशियारपुर 2—जिला परिवहन आफिसर, होशियारपुर 3—उपखंड आफिसर, गढ़शंकर 4—उपखंड आफिसर, दसुआ 5—उपखंड आफिसर, आनन्द साहिब 6—लोक शिकायत आफिसर, होशियारपुर
7—जालंधर	उपायुक्त, जालंधर	1—उपखंड आफिसर, जालंधर 2—जिला विकास तथा पंचायत आफिसर, जालंधर 3—कार्यपालक मजिस्ट्रेट I, जालंधर 4—उपखंड आफिसर, कपूरथला 5—उपखंड आफिसर, नाकोदर 6—उपखंड आफिसर, सुलतानपुर

8—फिल्लौर	उपायुक्त, जालंधर	1—साधारण सहायक, जालंधर 2—कार्यपालक मजिस्ट्रेट, I, जालंधर 3—उपखंड आफिसर, फिल्लौर 4—उपखंड आफिसर, नेपाशहर 5—उपखंड आफिसर, फगवाड़ा 6—जिला परिवहन आफिसर, होशियारपुर 7—उपखंड आफिसर, नाकोदर
9—लुधियाना	उपायुक्त, लुधियाना	1—उपखंड आफिसर, लुधियाना 2—उपखंड आफिसर, जगरांव 3—कार्यपालक मजिस्ट्रेट I, लुधियाना 4—जिला विकास तथा पंचायत आफिसर, लुधियाना
10—रोपड़	उपायुक्त, रोपड़	1—उपखंड आफिसर, रोपड़ 2—उपखंड आफिसर, खरार 3—उपखंड आफिसर, समराला 4—उपखंड आफिसर, नाभा 5—उपखंड आफिसर, फतेहगढ़ साहिब, बस्सी
11—पटियाला	उपायुक्त, पटियाला	1—उपखंड आफिसर, पटियाला 2—साधारण सहायक I, पटियाला 3—साधारण सहायक II, पटियाला 4—उपखंड आफिसर, सामाना 5—उपखंड आफिसर, राजपुरा 6—उपखंड आफिसर, सुनाम
12—संगरूर	उपायुक्त, संगरूर	1—उपखंड आफिसर, संगरूर 2—उपखंड आफिसर, बरनाला 3—उपखंड आफिसर, रामपुराफूल, फूल 4—उपखंड आफिसर, मलीर कौटला 5—लोकशिकायत आफिसर, संगरूर
13—भटिंडा	उपायुक्त, भटिंडा	1—उपखंड आफिसर, भटिंडा 2—कार्यपालक मजिस्ट्रेट, (क) भटिंडा 3—उपखंड आफिसर, फरीदकोट 4—उपखंड आफिसर, मानसा 5—कार्यपालक मजिस्ट्रेट, मानसा

ORDERS

New Delhi, the 26th October 1970

S.O. 3774.—Whereas the Election Commission is satisfied that Shri Dharma, S/o Shri Inchha village and Post Office Bhartia Tahsil Sadabad, District Mathura, Uttar Pradesh, a contesting candidate for the mid-term general elections 1969 to the Uttar Pradesh Legislative Assembly from 370 Sadabad Assembly Constituency, has failed to lodge an account of his election expenses in the manner as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, after considering the representation made by the said candidate the Election Commission is further satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Dharma to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/370/69(151).]

आदेश

नई दिल्ली, 26 अक्टूबर, 1970

एम०ओ० 3774.—यन निर्वाचन आयोग का समाधान हो गया है कि उत्तर प्रदेश विधान सभा के लिये मध्यावधि साधारण निर्वाचन 1969 के लिये 370—सादाबाद सभा निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री धर्मा सुपुत्र श्री ईछा, गांव तथा डाकखाना भरतिया, तह० सादाबाद, जिला-मथुरा (उत्तर प्रदेश),

लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित रीति में अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं;

2. और यतः, उक्त उम्मीदवार द्वारा दिए गए अभ्यावेदन पर विचार करने के पश्चात् निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिये कोई पर्याप्त कारण या न्यायोचित्त्व नहीं है ;

3. अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री धर्मा को संसद के दोनों सदनों में से किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चने जाने और होने के लिये, इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं०-उ०प्र०-वि०सं०/370/69(151)]

S.O. 3775.—Whereas the Election Commission is satisfied that Shri Bal Chand Yadav, S/o Shri Deo Prasad R/o village Chandehara, Post Office, Qasimabad, District Ghazipur, Uttar Pradesh, a contesting candidate for mid-term general election, 1969 to the Uttar Pradesh Legislative Assembly from 234-Qasimabad Assembly Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure.

3 Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Bal Chand Yadava, to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/234/69 (152).]

By order,

A. N. SEN, Secy.

एन० ओ० 3775 — राज निर्वाचन आयोग का समाधान हो गया कि उत्तर प्रदेश विधान सभा के लिए मतदाता नामांकन निर्वाचन 1969 के लिए 234-कामिमाबाद सभा निर्वाचन क्षेत्र में चुनाव लड़ने वाले उम्मीदवारों में से एक आदमी का नाम आदेश नंबर ग्राम-नरदेहरा, पो०—कामिमाबाद, जिला गजौरी (उत्तर प्रदेश), लोक निर्माण विभाग अधिनियम, 1951 तथा अधीन बनाए गए नियमों द्वारा अशिक्षा करने निर्वाचन क्षेत्रों का कोई भी लेखा दायित्व के तहत असफल रहे हैं।

2 और यह : उक्त उम्मीदवार ने, उक्त समयक सूचना दिए जाने पर भी अपनी इस असफलता के लिए कोई कारण प्रस्तुत नहीं किया है, तथा निर्वाचन आयोग का यह समाधान हो गया है कि उनके पास इन अयोग्यता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है।

3 अब, अब, उक्त अधिनियम की धारा 10-क के अनुच्छेद में निर्वाचन आयोग एतद्वारा उक्त श्री नाम का आदेश को पद के दोनो सदस्यों में से किसी भी सदस्य के या किसी भी राज्य की विधान सभा प्रांत विधान परिषद् के सदस्य बनने जाने और होने के लिये इस आदेश की तारीख, से तीन वर्षों के लिये निर्वाचन घोषित करता है।

[स०/उप्र०-वि० स०/234/69 (152)]

आदेश से,

ए० एन० सैन, सचिव।

MINISTRY OF TOURISM AND CIVIL AVIATION

New Delhi, the 9th November 1970

S.O. 3776.—In exercise of the powers conferred by sub-section (1) of section 41 of the Air Corporations Act, 1953 (27 of 1953) and in supersession of the notification of the Government of India in the Ministry of Tourism and Civil Aviation No. 20-AC(14)/67 dated the 2nd February, 1968, the Central Government, in consultation with the Air-India, hereby appoints an Advisory Committee for the Air-India consisting of the following persons, namely:—

Chairman

1. General Manager, Air-India.

Members

2. Shri Sitaram Kesri, M.P.
3. Shri Kameshwar Singh, M.P.
4. Shri B. P. Tiwary, M.P.
5. Shri Biren Roy, M.P.
6. Shri Shamrao Kadam.
7. Shri S. S. M. Subramaniam
8. Shri K. Narendra
9. Shri Arvind Parikh
10. Shri L. L. Narayanan.
11. Shrimati Seeta Yudhvir

12. Shri M. Y. Ghorpade, M.L.A.
13. Shri Mohinder Singh Bedi.
14. Shri Inam Rahman.
15. Director General of Tourism.
16. Director General of Civil Aviation.
17. Shri Bhag Israni, Assistant General Manager Indian Airlines.

Secretary

Secretary, Air-India.

[No. 20-AC(4)/70.]

पर्यटन तथा नागर विमानन मंत्रालय

नई दिल्ली, 9 नवम्बर, 1970

एस० नो० 3776.—एयर कार्पोरेशन ऑफ इंडिया 1953 (1952 का 27 वां) धारा 41, उन-धारा (1) द्वारा प्रदत्त अधिवारों का प्रयोग करते हुये तथा भारत सरकार, पर्यटन, तथा नागर विमानन मंत्रालय, की अधिसूचना संख्या 20-ए०सी० (14)/67, दिनांक 2 फरवरी 1968 का अधीकरण करने हेतु, केन्द्रीय सरकार एयर-इंडिया के साथ परामर्श कर के एतद्वारा एयर-इंडिया के लिये निम्नलिखित व्यक्तियों की एक सलाहकार समिति नियुक्त करती है :—

अध्यक्ष

1. महा प्रबन्धक, एयर-इंडिया

सदस्य

2. श्री सीता राम केतरी, संसद् सदस्य
3. श्री कामेश्वर सिंह, संसद् सदस्य
4. श्री बी० पी० तिवारी, संसद् सदस्य
5. श्री बीरेन राय, संसद् सदस्य
6. श्री श्यामराव कदम
7. श्री एस० एस० एम० सुब्रह्मण्यम्
8. श्री के० मरेन्द्र
9. श्री अरविन्द पारीख
10. श्री एल० एल० नारायणम्
11. श्रीमती सीता यदुवीर
12. श्री एम० वाई० धीरपांडे, विधान सभा सदस्य
13. श्री मौहिन्दर सिंह बेदी
14. श्री इनाम रहमान
15. पर्यटन के महानिदेशक
16. नागर विमानन के महानिदेशक
17. श्री भाग इसरानी, सहायक महा प्रबंधक, इंडियन एयर्लाइन्स

सचिव

सचिव, एयर-इंडिया

[सं० 20-ए० सी० (4)/70]

S.O. 3777.—In exercise of the powers conferred by sub-section (1) of section 41 of the Air Corporations Act, 1953 (27 of 1953) and in supersession of the notification of the Government of India in the Ministry of Tourism and Civil Aviation No. 20-AC(14)/67 dated the 9th February, 1968, the Central Government, in consultation with the Indian Airlines, hereby appoints an Advisory Committee for the Indian Airlines consisting of the following persons namely:—

Chairman

1. General Manager, Indian Airlines.

Members

2. Shri Indrajit Gupta, M.P.
3. Shri Y. A. Prasad, M.P.
4. Shri Dahyabhai V. Patel, M.P.
5. Shri Jyotirmoy Basu, M.P.
6. Shri B. D. Garware.
7. Shri R. Dharmalingam.
8. Shri Hans Raj Gupta.
9. Shri Inder Sharma.
10. Shri M. V. Arunachalam.
11. Shri Dabeswar Sarma, M.L.A.
12. Shri R. K. Sawhney.
13. Shri V. P. Sathe.
14. Dr. Dharam Prakash.
15. Director General of Tourism.
16. Director General of Civil Aviation.
17. Shri S. K. Kooka, Commercial Director, Air-India.

Secretary

Secretary, Indian Airlines.

[No. 20-AC(4)/70.]

T. ARUMUGHAM, Dy. Secy.

एस० ओ० 3777.—एयर कारपोरेशन्स एक्ट 1953 (1952 का 27 वां) को धारा 41, उप-धारा (1) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुये तथा भारत सरकार, पर्यटन तथा नागर विमानन मंत्रालय, की अधिसूचना संख्या 20-ए० सी० (14) 167, दिनांक 2 फरवरी, 1968 का अधीनमग करने हुये केन्द्रीय सरकार इंडियन एयरलाइन्स के साथ परामर्श करके एतद्द्वारा इंडियन एयरलाइन्स के लिये निम्नलिखित व्यक्तियों की एक सलाहकार समिति नियुक्त करती है :—

अध्यक्ष

1. महा प्रबन्धक, एयर इंडिया

सदस्य

2. श्री इन्द्रजीत गुप्त, संसद् सदस्य
3. श्री बाई० ए० प्रसाद, संसद् सदस्य
4. श्री दयाभाई वी० पटेल०, संसद् सदस्य
5. श्री ज्योतिर्मय बसु, संसद् सदस्य
6. श्री बी० डी० गरव रे
7. श्री आर० धर्मलिंगम्
8. श्री हंसा ज गुप्त
9. श्री हन्स शर्मा

10. श्री एम० वी० ग्रन्थानन्द
11. श्री देवेश्वर शर्मा, विधान सभा सदस्य
12. श्री राम० के० तटवती
13. श्री वी० पी० सेठी
14. डा० धर्म प्रकाश
15. पर्यटन के मन्त्रिनिदेशक
16. नागर विमानन के मन्त्रिनिदेशक
17. श्री ए० के० कूका, वाणिज्यिक निदेशक, मध्य-इंडिया

सचिव

सचिव, इंडियन एयरलाइन्स

[सं० 20 ए० सी० (4)/70]

टी० जारुमशम, उप सचिव ।

MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION

(Department of Labour and Employment)

New Delhi, the 11th November 1970

S.O. 3778.—In pursuance of section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of Shri S. C. Sheth, Managing Director, Messrs. Eastern Bunkerers Private Limited, Bombay, arbitrator, in the industrial dispute between the employers in relation to the management of Messrs. H. K. Joshi and Company, Bombay and their workmen, which was received by the Central Government on the 27th October, 1970.

Arbitration award under Section 10A of the Industrial Dispute Act, 1947

BEFORE SHRI S. C. SHETH, MANAGING DIRECTOR, MESSRS.
EASTERN BUNKERERS PRIVATE LIMITED, BOMBAY & ARBITRATOR

PRESENT:

Shri S. C. Sheth, Arbitrator

PARTIES:

Employers in relation to Messrs H. K. Joshi and Company, 142, Fort Street, Bombay-1.

AND

their workmen, represented by Transport and Dock Workers' Union, Bombay.

APPEARANCES

For Employers:—Mr. N. C. Joshi, representing Messrs. H. K. Joshi & Co., 142, Fort Street, Bombay-1.

For Employees:—Mr. R. A. Pandit, Asstt. Secretary, Transport & Dock Workers' Union, Bombay, 2nd floor, P. D'Mello Bhavan, P. D'Mello Road, Carnac Bunder, Bombay-1.

AWARD

1. By an Agreement between the parties under Section 10A of the Industrial Disputes Act, 1947 and which was published in the Gazette of India, S.O. 119 dated 2nd January, 1970, the following dispute has been referred to my sole arbitration under Sub-Section (3) of Section 10A of the Industrial Disputes Act:—

SCHEDULE

- (1) "Whether the action of M/s. H. K. Joshi & Co., Bombay-1, in suspending Shri Moolji Ganatra, permanent Dock-Clerk for a period of three days in February, 1969 is justified" If not, to what relief the workman is entitled?

- (2) "Whether the action of M/s. H. K. Joshi & Co., Bombay-1 in suspending Shri B. R. Pandhi, permanent Head-Foreman for 15 days in January, 1969 is justified? If not, to what relief the workmen is entitled?"

2. The parties were requested to file their written statement and forward same to me. The Transport & Dock Workers' Union were requested to file their statement of claim before 3rd February, 1970 and the employers were asked to file their statement of reply before the 18th February, 1970. I held hearings, but had to postpone the same from time to time as one of the employees was not keeping well. The parties had given their consent to extend the time for completion of the hearing and give my decision before end October, 1970. The final hearing was held by me on 11th September, 1970.

3. Demand No. 1. At the final hearing the parties agreed that in case of Mr. Moolji Ganatra, the permanent Dock-clerk, the employer proposed to reduce the suspension from 3 days to one day on humanitarian grounds since the employee was laid up with T. B. at Talegaon Hospital. The Union accepted this offer of the employer and reference under dispute under item 1 was therefore, amicably settled. I consider this settlement fair and reasonable and therefore, I recorded the agreement arrived at between the parties in my presence.

Demand No. 2. Regarding suspension of Mr. B. R. Pandhi, the Head Foreman of the Company, the parties placed before me the report of the Enquiry Officer Mr. J. N. Gupta alongwith the record of evidence taken at the domestic enquiry. I have carefully gone through the evidence which was recorded by the Enquiry Officer Mr. J. N. Gupta. The record of evidence has been signed by both the employers representative and by the representative of the Union who were present at the time of the evidence was taken.

Normally it would not have been correct to interfere with the conclusions arrived at by the Enquiry Officer unless there is a serious defect in the conclusions reached by the Enquiry Officer. I find from the Enquiry Report that the Enquiry Officer has been informed that the Datum Line for Ammonium Sulphate in bulk which was discharged from the vessel is taken as 69 tons for the extra shift. My attention was drawn at the time of the hearing that this was not correct. I have verified from the Datum Lines laid down by the Labour Appellate Tribunal and I agree that the Datum Line has been wrongly applied in this case. This Datum Line is applicable for Rock Phosphate in bulk. The correct Datum Line for Ammonium Sulphate in bulk in general cargo Datum Line which is 39 tons during III shift which is the shift when Mr. B. R. Pandhi was engaged as a Foreman on the vessel. In view of this wrong application of the Datum Line, the conclusion reached that the output was low is not correct.

However, Mr. Pandhi has not been able to satisfactorily explain the reason for the stoppage of work from 12-30 a.m. to 2-00 a.m. The evidence which has been recorded and on which the parties requested me to rely does not assist Mr. Pandhi. Mr. Pandhi has not been able to produce further evidence why the work could not be started on certain number of hatches for such a long period and the reason he advanced was lack of gear. However, this could not be the case in all the hatches which were detained and it appears that sufficient effort was not made by him as the Foreman in-charge to collect the gear to enable the hatches to commence work even if the same had to be collected from other places or repaired. This definitely establishes a certain failure on his part as the main reason responsible for supervision on board the vessel.

Taking both these facts into account viz. the error on the part of the Enquiry Officer to apply the Datum Line which was applicable for Rock Phosphate to Ammonium Sulphate and Mr. B. R. Pandhi, the Foreman not exercising sufficient effort in the commencement of work on hatches which were delayed. I consider that if a suspension of 3 days were given to Mr. B. R. Pandhi it will meet the ends of justice Accordingly, I have to modify the suspension order which has been ordered by the Enquiry Officer from 15 days to 3 days.

[No. 28/82/69-Fac. II/P&D]

(Sd) S. C. SHETH, Arbitrator.

S.O. 3779.—In pursuance of Section 17 of the Industrial Disputes Act, 1947, (14 of 1947) the Central Government hereby published the following award of the Central Government Industrial Tribunal, Bombay, in the industrial dispute between the employers in relation to the Bombay Port Trust, Bombay, and their workmen, which was received by the Central Government on the 28th October, 1970.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2
BOMBAY.

REFERENCE No. CGIT-2/35 OF 1968

Employers in Relation to the Bombay Port Trust, Bombay.

AND

Their workmen

PRESENT:

Shri N. K. Vani, Presiding Officer.

APPEARANCES:

For the Employer:—Shri R. K. Shetly, Deputy Legal Adviser, Bombay Port Trust, Bombay.

For the Workmen:—Shri S. K. Shetye, General Secretary, Bombay Port Trust Employees' Union, Bombay.

INDUSTRY:—Ports and Docks.

STATE:—Maharashtra.

Dated 14th October, 1970

AWARD

By order No. 28/36/67-LR-III dated 31st October, 1967, the Government of India, in the Ministry of Labour, Employment & Rehabilitation (Department of Labour and Employment) in exercise of the powers conferred by sub-section (2) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred to the Central Government Industrial Tribunal, Bombay for adjudication, an industrial dispute existing between the employers in relation to the Bombay Port Trust, Bombay and their workmen represented by the Bombay Port Trust Employees' Union in respect of the matters set forth in the schedule as mentioned below:—

THE SCHEDULE

- (a) Whether the employers have the right to change the working timings of timekeepers without giving notice of change under Section 9A of the Industrial Disputes Act.
- (b) Whether the employers are justified in insisting on the Time-keepers in charge of the musters in the Bombay Port Trust Workshops Timekeeping office observing the following working hours, without paying overtime wages:—

I batch 7.30 a.m. to 5 p.m. with one hour's recess from 11.30 a.m. to 12.30 p.m. from Monday to Friday; and

II batch—8.30 a. m. to 6 p.m. with one hour's recess from 12.30 p.m. to 1.30 p.m. from Mondays to Fridays and 8.30 a.m. to 1.30 p.m., On Saturdays."

2. Later on, this reference has been transferred to this Tribunal No. 2 for adjudication by order No. 22/8/68-LR-III dated 25-11-1968.

3. The General Secretary of the Bombay Port Trust Employees' Union on behalf of the workmen has filed written statement at Ex. 1/W on 16th October, 1969). According to the General Secretary,

- (i) As per the Time schedule for the Time keepers, the Time Keepers were attending duty from 8 a.m. to 5.30 p.m. This was according to the time for the working staff displayed on the Notice Board and also in conformity with Trustees Resolution No. 630 of 1956.
- (ii) The Additional Mechanical Superintendent of the Bombay Port Trust changed the timings as mentioned in (b) of the schedule above by his order dated 25th July, 1955. This change effected by the Additional Mechanical Superintendent of the Bombay Port Trust in the timings of the Time Keepers is illegal, unjust and improper. The said change in timings was in contravention of Section 22 of the Bombay Port Trust Act, as it is not effected with the sanction of the Board of Trustees.
- (iii) The employers have no right to change the working timings of the Time Keepers without giving notice of change under Section 9A of the Industrial Disputes Act.

- (iv) The employers are not at all justified in insisting on the Time Keepers in charge of the Musters in the Bombay Port Trust Workshops Time Keeping office observing the following working hours without paying overtime wages:—

1st Batch—7-30 a.m. to 5 p.m. with one hour's recess from 11-30 a.m. to 12-30 p.m. from Mondays to Fridays.

2nd Batch—8-30 p.m. to 6 p.m. with one hour's recess from 12-30 p.m. to 1.30 p.m. from Mondays to Fridays and 8-30 a.m. to 1-30 p.m. on Saturdays.

- (v) The Bombay Port Trust is liable in law as well as in fact to pay overtime wages to the Time Keepers in charge of the musters in the Bombay Port Trust Workshop Time Keeping office at the Schedule rates.

4. Shri S. D. Chittar, Secretary, Bombay Port Trust has filed written statement on behalf of the Trustees of the Port of Bombay (hereinafter referred to as the employers). According to him,

- (i) Prior to 1-8-1955, the Time-Keepers of the Time-Keeping office used to come to office a little earlier than other workmen in the morning for the purpose of distribution and checking of tickets and leave the office earlier in the evening than others on a mutual basis. This staggering of working hours of the Time Keepers attached to the Time-keeping office of the Workshop was essential and unavoidable for the smooth working of the various sections of the workshop and to avoid wastage of time on the part of other workmen. Hence, the then Ag. Asstt. Mechanical Superintendent issued a note bearing No. E/1-MS/8794 dated 25th July 1955 addressed to the Head Time keeper, Bombay Port Trust workshops, and notified the staggering of the working hours of 18 Time Keepers and the office Boys attached to the Time Keeping office of the Bombay Port Trust Workshops with effect from 1st August 1955. This staggering was validly introduced by the then Asstt. Mechanical Superintendent, Bombay Port Trust with prior approval of the Chief Engineer of the employers.
- (ii) The employers had not mentioned the working hours of the Time Keepers and office Boys attached to the Time Keeping office of the workshops in Appendix 'A' to their Trustees Resolution No. 630 of 1956, through inadvertence. The Union is taking unfair advantage of this inadvertence of the employers. The revised working hours shown in column No. 4 in the said Appendix cannot be deemed to be applicable and binding upon the Time keepers attached to the Time Keeping office of the Bombay Port Trust Workshop.
- (iii) As the Union has raised the present dispute after a lapse of 10 years after the issue of the valid notice of staggered working hours for the Time Keepers and the office Boys of the Time Keeping office of the Bombay Port Trust workshops, it should be rejected.
- (iv) The introduction of the staggered working hours for the Time-Keepers and the Office Boys for the Time-Keeping office of the workshop is not illegal, unjust and improper.
- (v) There was no change in the working hours of the Time Keepers.
- (vi) It is always open to the employers to introduce the staggered working hours for the smooth functioning of the various sections of the Department. It is legally permissible for them to do so. Similar practice is prevailing in respect of other categories in other Departments of the Port Trust without there being any need to pay the overtime or any other compensation for the purpose. There is no contravention of Section 22 of the Bombay Port Trust Act in introducing the staggered working hours for the concerned Time Keepers. There is no need for the sanction of the Trustees for introducing the staggered working hours. As the total working hours of the employees concerned are not increased it cannot be said that their service conditions have been changed. Hence a notice of change under Section 9A of the Industrial Disputes Act, was not necessary to be given.
- (vii) Section 9A was introduced *vide* amendment No. 36 of 1956. This amendment came into force with effect from 10th March 1957. As the employers had regularised the change in the timings or staggered working hours with effect from 1st August 1955 *vide* the said note dated

25th July 1955, the question of violation of the provisions of Section 9A of the Industrial Disputes Act did not arise.

(viii) The total working hours under the staggered system introduced for the Time Keepers attached to the Time keeping office do not exceed 9 hours per day or 48 hours per week. Hence the question of payment of overtime wages, does not arise.

(ix) The provisions of the Award in Reference No. CGIT-2/17 of 1968 came into force with effect from 1st June 1969. With effect from 1st June 1969, the employers have introduced the total working hours of 36 hours per week for the time keepers working in the Chief Engineer's and Deputy Conservator's Departments. It was after 1st June 1969 that the employers started paying wages at overtime rates either under the Port Trusts Rules or under the Minimum Wages Act and the rules framed thereunder for work in excess of 36 hours a week. In these circumstances, the employers say that there is no liability on them to pay the overtime wages to the Time keepers attached to the Time keeping office of the Workshops, for their normal working hours per week in the day shift of 47½ hours.

(x) The employees demands be rejected.

5. Shri S. K. Shetye, General Secretary of the Bombay Port Trust Employees Union has urged before me as follows:—

- (i) After the publication of the Award in CGIT/17 of 1968 holding that the working hours of the Time-keeping staff of the Engineering Department should be brought on par with that of indoor clerical staff, issue No. (b) in the present reference does not survive.
- (ii) Without notice, as required under Section 9A of the Industrial Disputes Act, 1947, no changes in the service conditions of the employees can be effected especially when the said changes are not beneficial to the employees concerned.
- (iii) The change in the working hours of the Time-keepers attached to the Bombay Port Trust workshop is illegal, unjust and improper. The said change in the working hours is in contravention of Rule 22 of the Bombay Port Trust Act, and also trustees Resolution No. 630 of 1956. If the Bombay Port Trust authorities want to make change in the prescribed working hours mentioned in (15A) of Ex. 2/E, they would have to obtain trustees sanction which they had not obtained. Moreover after passing Trustees Resolution regarding change in working hours, approval of the Central Government will have to be obtained.
- (iv) The Bombay Port Trust authorities want to adopt ingenuous way of avoiding liability of paying overtime wages, under the provisions of the Bombay Port Trust Act and the Minimum Wages Act. The Bombay Port Trust authorities are making discrimination in respect of Time-keepers in question by not paying overtime allowance to them, because the indoor clerical staff attached to the Bombay Port Trust Workshop are paid overtime allowance, for coming early or sitting late in connection with work attached to the Bombay Port Trust workshop store. The clerical staff of Store Department of the Bombay Port Trust and the Time keeping staff of the same department, (Engineering Department) working at Hydraulic establishments (vide 15A of Ex. 2/E) are paid overtime for coming early. Hence the action of the Bombay Port Trust in respect of Time keeping staff attached to the Bombay Port Trust workshops is unjust and discriminatory.
- (v) Clerks attached to Store department of the Bombay Port Trust were given staggering working hours. After 1963, the Bombay Port Trust started paying overtime to them.
- (vi) The Time-keepers in question are not provided with houses. The officers of the same department are given houses. Coming early in the morning at 7-30 a.m. to the office causes hardship and great inconvenience to the Time-keepers. Changes introduced by the Bombay Port Trust are discriminatory, unjust and illegal. The Bombay Port Trust authorities are therefore liable to pay overtime wages to the Time-keepers in question.

6. Shri R. K. Shetty, Deputy Legal Adviser for the Bombay Port Trust has submitted before me as follows:—

- (i) As regards preliminary objection raised by the Union, that Award in Reference No. CGIT-2/17 of 1968 settles issue (b) in this reference, it is important to note the distinction between the working hours on one hand and the timings of the working hours on the other hand. In Reference No. CGIT-2/17 of 1968 settles issue (b) in this reference, hours of the Time-Keepers on one hand and the working hours of the Indoor Clerical staff on the other hand. The Tribunal was not called upon to consider the timings of working hours of Time-Keepers on one hand and the timings of the working hours of the indoor clerical staff. The Union cannot, therefore, say that issue (b) in this reference is already settled.
- (ii) As staggered working hours were introduced on 1st August 1955 and as Section 9A of the Industrial Disputes Act, 1947 came into force on 10th March 1957, no notice of change was necessary.
- (iii) As there was no change in the total hours of work, of the time-keepers in question, there was no change in the conditions of their service. Mere change in the timings of work does not amount to change in the conditions of service or to increase in the work load.
- (iv) The Union's contention that the Time-keepers in question have to come from far off places and that 7-30 a.m. is too early time to join duty, is not legally tenable (1963-I, LLJ, 543).
- (v) There is no violation of Section 22 of the Bombay Port Trust Act, because the Bombay Port Trust authorities have simply issued an administrative order which does not change total working hours of the Time-keepers in question. Mere issue of administrative order by the Port Trust does not amount to change of conditions of service. As the time-keepers have no complaint, the time keepers cannot complain.
- (vi) Documents Exhibits 4/E to 7/E respectively are the Statements showing the staggered duty hours of the:
 - (1) Staff of the Labour Department.
 - (2) Staff posted in Railway Manager's Department.
 - (3) Staff of the Port Department.
 - (4) Staff posted in C.M.E.'s Department.

without the payment of any extra overtime to them. Relying on these documents, it is contended that it cannot be said that there is discrimination in respect of Time-keepers, in question, because they have got different timing of working hours and because their working hours are staggered, without having overtime allowance. The allegation of discrimination would be sustained, if only the Time-keepers in question are called upon to put more hours of work than the other Time-keepers working in the same establishment. As they are not called upon to put in more hours of work in a day or a week, the allegation of discrimination made by the Union cannot be sustained.
- (vii) As the practice of staggered working hours in respect of the Time-keepers in question is prevailing for the last 16 years, it is unreasonable to change it now. Staggered working hours have become implied terms of contract, as they were not disputed during the last 12 years prior to this reference on 31st October 1967. As the change was effected in respect of Time-keepers and office Boys and the office boys have no complaint, the time keepers cannot complain.
- (viii) The Union's claim to upset the existing timings of the working hours is belated one. Timings were introduced on 1st August 1955, but the Union raised the industrial dispute in or about March, 1967 i.e. after about 11 years. Hence the practice prevailing for the last 11 years be not disturbed. It has been held by the Supreme Court in 1961, II, LLJ, 89 that belated claims should not be encouraged by the Industrial Tribunal. There is no unfair labour practice in the present case having regard to the instances of other employees mentioned in Exhibits 4/E to 7/E.
- (ix) The employers cannot be forced to fix working hours of the employees in such a way as to enable them to earn overtime wages [vide 1964, I, LLJ, 13 (relevant portion on page Nos. 13 and 14)].

7. Points for consideration are as follows:—

- (i) Whether the employers have the right to change the working timings of Time-keepers without giving notice of change under Section 9A of the Industrial Disputes Act?
- (ii) Whether the employers are justified in insisting on the Time-keepers in charge of the Musters in the Bombay Port Trust workshops Time-keeping office, observing the working hours mentioned in issue (b) in the Schedule of this reference, without paying overtime wages?
- (iii) To what relief are the employees entitled?

8. My finding are as follows:—

- (i) The question of giving notice under Section 9A of the Industrial Disputes Act, 1947 for changing the working timings of Time-keepers did not arise in this case, as the change in question was effected before Section 9A of the Industrial Disputes Act, 1947 came into force.
- (ii) No.
- (iii) As mentioned in the order.

Reasons

Point No. 1

9. In view of the Union's contention in the written statement Ex. 1/W para. 2 to the effect that the Additional Mechanical Superintendent of the Bombay Port Trust changed the timings as mentioned in (b) of the schedule to the present reference, there cannot by any doubt that the working timings of the Time-keepers in question were changed with effect from 25th July, 1955 or 1st August, 1955, as contended by the employer.

10. Section 9A was admittedly introduced with effect from March, 1957. As the working timings of the Time-keepers in question were changed before Section 9A of the Industrial Disputes Act was made applicable, the question of giving notice of change as required under Section 9A of the Industrial Disputes Act, 1947 did not arise in this case.

11. The Union further contends that the change in the working hours of the Time-keepers, attached to the Bombay Port Trust workshop is illegal, unjust and improper and that the said change in working hours, is in contravention of Section 22 of the Bombay Port Trust Act and also Trustees Resolution No. 630 of 1956.

12. The contention of the Union referred to above cannot be accepted because there is no violation of Section 22 of the Bombay Port Trust Act, as Bombay Port Trust authorities have simply issued administrative order, which does not change total working hours of the time keepers in question. Mere change in the timings of work does not amount to change in the conditions of service.

13. In Appendix 'A' to Trustees Resolution No. 630 dated 17th July, 1956 (See 15A in Ex. 2/E), there is no reference about the working hours of the Time-keepers and office Boys of the Time keeping office of the workshops. The employers contend in their written statement Ex. 2/E para. 2 that they had not mentioned the working hours of the Time-keepers and office Boys attached to the Time-keeping office of the Workshops in Appendix 'A' to the Trustees Resolution No. 630 of 1956 through inadvertence and that the Union is taking unfair advantage of this inadvertence.

14. It appears from para. 2 of the written statement Ex. 1/W of the Union that the Additional Mechanical Superintendent of the Bombay Port Trust changed the working timings of the Time-keepers by his order dated 25th July, 1955. As the working timings of the Time-keepers in question were already changed, before Trustees' Resolution No. 630 of 1956 came into force, it can not be said that this change is in contravention of Trustees Resolution No. 630 of 1956. As the change in timings of working hours, is an administrative act, it cannot be said that this change made in 1955 was illegal, unjust and improper for any reason.

15. As the reference stands, it is not necessary for me to consider whether the change in the timings of working hours of the Time-keepers in question is illegal, unjust and improper for any reason. What I am called upon to consider is whether the change in the timings of working hours of the Time keepers could be effected (in 1955) without giving notice under Section 9A of the Industrial Disputes Act. I have already held that the change in timings of working hours was effected before Section 9A came into force. Hence my finding on point No. 1 is as above.

Point No. 2

16. The next point for consideration is whether the employers are justified in insisting on the Time-keepers in question, observing the working hours in question, without paying overtime allowance. My findings on this point is in the negative for the following reasons.

17. According to the timings of work made applicable to the Time Keepers in question, they have to work for 47½ hours per week.

18. The Union's demand in substance as appears from para. 4 of Ex. 1/W is that the Time-keepers in question should be given overtime wages for working beyond 36 hours per week. In support of this demand, reliance is placed on documents produced at Ex. 8/W and 9/W.

19. The normal working hours of the indoor office staff are from 10-30 a.m. to 5-30 p.m. with half an hour recess from Monday to Friday and 10-30 a.m. to 2. p.m. without recess on Saturday (vide Ex. 8/W). It means that the members of the indoor clerical establishment work for 36 hours per week. This office staff has been made eligible for overtime allowance for work beyond normal duty hours (vide Trustees Resolution No. 956 dated 5th November, 1963-Ex. 8/W). There can be, therefore, no doubt that the members of the indoor clerical staff get overtime allowance for work beyond normal duty hours.

20. In the award in Reference No. CGIT-2/17 of 1968 (vide Ex. 9/W) it has been held that the Time-keeping staff are part and parcel of the indoor clerical establishment. In view of this finding, the time-keepers in question are part and parcel of the indoor clerical establishment.

21. In the Award in Reference No. CGIT-2/17 of 1968 (vide Ex. 9/W) it is directed that the normal working hours of the Time-keeping staff of the Trustees Engineering and Port Departments should be brought on par with those prescribed for the indoor clerical staff with effect from 1st June, 1969. In view of this, the normal working hours of the Time-keepers in question should be the same as those of the indoor clerical staff. This does not necessarily mean that timings of working hours of the Time-keepers in question and of the indoor clerical staff should be the same. What it means is that the total working hours per week of the Time-keepers in question and of the indoor clerical staff, should remain the same. I am, therefore, of the view that in view of the decision in Reference No. CGIT-2/17 of 1968 the normal total duty hours of the Time-keepers in question per week should not exceed 36 hours.

22. If the Time-keepers in question are required to work for more than 36 hours per week, they should get overtime allowance, because they are part and parcel of the indoor clerical staff, who get overtime allowance for work for more than 36 hours per week, i.e., for work beyond normal duty hours. If the Time-keepers are not paid overtime allowance for work for more than 36 hours per week and if they are called upon to observe the timings of workings mentioned in the Schedule (b) to this reference, it will be unfair and unjust. This would amount to discrimination.

23. Shri R. K. Shetty, Deputy Legal Adviser for the Bombay Port Trust contends that in Reference No. CGIT-2/17 of 1968 the Tribunal was not called upon to consider timings of working hours of Time-keepers on one hand and the timings of the indoor clerical staff and that the Union cannot say that the dispute covered by point No. (b) in the Schedule to this reference is already settled.

24. As the reference stands, the dispute intended to be referred to me by issue (b) in the Schedule to the Present reference, is whether the employers are unjustified in insisting on the Time-keepers in question, observing the working hours in question, without paying overtime allowance. I am not called upon to decide as to what should be the timings of the working hours of the Time keepers in question. The only point is whether they are entitled to overtime allowance or not. While deciding this point this Tribunal has to consider incidentally as to what should be the normal total duty hours of the Time keepers in question. As they have been held part and parcel of the indoor clerical staff and as their normal working hours have been brought on par with those of the indoor clerical staff in Reference No. CGIT-2/17 of 1968, the decision in that reference has to be taken into consideration in deciding this reference. In view of this it is crystal clear that the contention raised by Shri Shetty referred to above is misconceived.

25. Shri R. K. Shetty, Deputy Legal Adviser for the Bombay Port Trust contends that it is always open to the employers to introduce staggered working hours for the smooth functioning of the various sections of the Departments, without payment of overtime allowance. It is legally permissible for them to do so. Similar practice is prevailing in respect of other categories in other departments of the Port Trust (vide Ex. 4/E to 7/E).

25. Relying on documents (Ex. 4/E to 7/E), Shri Shetty contends that it cannot be said that there is discrimination in respect of Time-keepers in question, because they have got different timings of working hours and because their working hours are staggered without paying overtime allowance.

26. It appears that on account of staggering of working hours of various employees mentioned in Exhibits 4/E and 7/E they were not called upon to work beyond their normal duty hours. Hence there was no question of paying any overtime allowance to them. There instances do not help the employers to show that the Time-keepers in question are not entitled to any overtime allowance and that there is no discrimination in respect of the Time-keepers in question, because they have got different timings and because their working hours are staggered without paying overtime allowance.

27. Shri S. K. Shetye, General Secretary of the Bombay Port Trust Employees' Union, contends that the Bombay Port Trust authorities are making discrimination in respect of Time-keepers in question by not paying overtime allowance to them, because the indoor clerical staff attached to the Bombay Port Trust workshop are paid overtime allowance for coming early or sitting late in connection with work attached to the Bombay Port Trust Workshop Store. The clerical staff of Store Department of the Bombay Port Trust and the Time-keeping staff of the same department (Engineering department) working at Hydraulic establishment are paid overtime for coming early.

28. The instances referred to above support the Union's case that the action of the Bombay Port Trust in respect of Time keeping staff attached to the Bombay Port Trust workshops is unjust and discriminatory.

29. Shri R. K. Shetty, Deputy Legal Adviser for the Bombay Port Trust on the other hand contends that as the Time-keepers in question are not called upon to put in more hours of work in a day or in a week, the allegations of discrimination made by the Union cannot be sustained.

30. As the normal duty hours of the Time-keepers in question are 36 hours per week, in view of the decision in Reference No. CGIT-2/17 of 1968 and as the Bombay Port Trust wants the Time-keepers in question to put 47½ hours work per week without paying overtime allowance, the contention raised by Shri R. K. Shetty referred to above cannot be therefore accepted.

31. The employers contend that the provisions of the Award in Reference No. CGIT-2/17 of 1968 came into force with effect from 1st June, 1969. With effect from 1st June, 1969, the employers have introduced the total working hours of 36 hours per week for the time keepers working in the Chief Engineer's and Deputy Conservator's Departments. It was after 1st June, 1969, that they started paying wages at overtime rates either under the Port Trust Rules or under the Minimum Wages Act and the rules framed thereunder for the work in excess of 36 hours a week. They further contend that as the normal working hours of the Time-keepers attached to the Time-keeping office of the workshops per week in day shift were 47½ hours, they are not liable to pay overtime wages to them.

32. It is clear from the contention of the employers referred to above that they have introduced the total working hours of 36 hours per week, with effect from 1st June, 1969, for the Time keepers working in the Chief Engineer's and Deputy Conservator's Departments. Taking these facts into consideration and having regard to the decision in Reference No. CGIT-2/17 of 1968. I am of the view that the employers are liable to pay overtime wages to the Time keepers in question with effect from 1st June, 1969, for work beyond 36 hours per week.

33. Shri R. K. Shetty, Deputy Legal Adviser for the Bombay Port Trust contends that as the practice of staggering of working hours in respect of the Time keepers in question is prevailing for the last 16 years, it is unreasonable to change it now. He further contends that staggering working hours have become implied terms of contract of service as they were not disputed during the last 12 years prior to 31st October, 1967. In my opinion these contentions raised by Shri Shetty, Deputy Legal Adviser for the Bombay Port Trust are unnecessary inasmuch as

the present reference is not for considering as to whether the practice of staggering of working hours should continue or not.

34. Shri R. K. Shetty, Deputy Legal Adviser for the Bombay Port Trust contends that as the system of staggering of working hours was introduced in respect of time-keepers and office Boys and as the Office Boys have no complaint, the Time-keepers cannot complain. I am unable to accept this view of Shri Shetty Office Boys may or may not complain but that Office Boys have no complaint about this system is no ground to prevent the Time-keepers from raising their voice about their grievances.

35. Shri R. K. Shetty, Deputy Legal Adviser for the Bombay Port Trust contends that timings of staggered working hours in respect of Time keepers in question were introduced on 1st August, 1955, but the Union raised the industrial dispute in or about March, 1967, i.e., after about 11 years. He further contends that the Union is guilty of laches and that their claim be rejected. In support of this contention he relies on the ruling of the Supreme Court reported in 1961, II, LLJ, Page 89.

36. In this ruling it is laid down as follows:—

"Regarding the third contention held that it is true that laws of limitation which might bar any civil court from giving remedy in respect of lawful rights are not and should not be applied by the industrial tribunals. On the other hand, it is a well accepted principle of industrial adjudication that over stale claims should not generally be encouraged or allowed unless there is a satisfactory explanation for the delay. Apart from the obvious risk to industrial peace from the entertainment of claims after a long lapse of time, it is necessary also to take into account the unsettling effect this is likely to have on the employer's financial arrangements. Whether a claim has become too stale or not will depend on the circumstances of each case. While there is no absolute proposition of law that in no case relief could be granted for a period prior to the demand, the industrial tribunal ought to pay particular attention to the date on which the demand was first made."

37. In the present case staggering of working hours of the Time-keepers was introduced with effect from 1st August, 1955. This system is continuing since then.

38. The Union made grievance in March 1967 or thereabout contending that the Time-keepers should be paid overtime allowance for observing the timings introduced by the Bombay Port Trust. This demand was referred to the Tribunal as a result of joint application made by the parties to the Central Government.

39. It also appears that there was another Reference No. CGIT-2/17 of 1968 in respect of two demands as mentioned in Ex. 9/W. They are as follows:—

- (i) Whether the demand of the Union that the normal working hours of the timekeeping staff of the Trustees' Engineering and Port Departments should brought on par with those prescribed for indoor clerical staff is justified and should be implemented? If so, from what date?
- (ii) Whether the demands that the Time-keeping staff of the Port Department should be given the same number of holidays as are allowed to the timekeeping staff of the Engineering Department is justified and should be implemented?

40. In that reference both the demands were accepted and the employers were directed to bring the normal working hours of Time-keeping staff of the Trustees' Engineering and Port Departments on par with those prescribed for the indoor clerical staff with effect from 1st June, 1969, holding that Time keeping staff are part and parcel of the indoor clerical establishment.

41. As the normal total duty hours of the Indoor Clerical Staff were 36 hours per week, the normal total duty hours of the Time keeping staff also became 36 hours per week with effect from 1st June, 1969.

42. There was no appeal against the Award in Reference No. CGIT-2/17 of 1968. The same award has been implemented. The decision in that reference is binding on the parties in the present reference also as they were parties to that reference also.

43. In view of the peculiar circumstances referred to above, the normal total duty hours of the Time-keeping staff in question should also be 36 hours per week with effect from 1st June, 1969. As they are required to work $47\frac{1}{2}$ hours per week on account of observing timings of their work mentioned in (b) of the Schedule to the reference, they are entitled to get overtime allowance with effect from 1st June, 1969. If they are not paid overtime allowance, it will cause injustice and hardship to them. Hence, their demand for overtime allowance cannot be turned down on the ground that it has been made late. In view of this, the contention raised by Shri Shetty, cannot be accepted.

44. In Short, considering the arguments of both the parties and the evidence on record I find that the employers will have to pay overtime allowance for insisting on the Time-keepers in question to observe the timings of work as mentioned in Schedule (b) of the reference. Hence my finding on point No. 2 is as above

Point No. 3.

45. In view of the findings on point No. 2 as mentioned above, the employers will have to pay overtime allowance to Time-keepers in question for observing the working hours as mentioned in (b) of the Schedule with effect from 1st June, 1969.

46. In view of the above findings, I pass the following order.

ORDER

(1) It is hereby declared that:—

- (i) The question of giving notice under Section 9A of the Industrial Disputes Act, 1947 for changing the working timings of Time-keepers did not arise in this case, as the change in question was effected before Section 9A of the Industrial Disputes Act, 1947 came into force.
- (ii) The employers are not justified in insisting on the Time-keepers in charge of Musters in the Bombay Port Trust Workshops Time-keeping office observing working hours mentioned in (b) of the Schedule without paying overtime allowance, with effect from 1st June, 1969.

(2) Award is made accordingly.

(3) No order as to costs.

(Sd.) N. K. VANI,

Presiding Officer,
Central Government Industrial,
Tribunal No. 2, Bombay.
14-10-1970.

[No. 28/96/67-LRIII/P&D]

AJIT CHANDRA, Under Secy.

(Department of Labour and Employment)

New Delhi, the 12th November 1970

S.O. 3780.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, (No. 3), Dhanbad, in the industrial dispute between the employers in relation to the management of Banderchua Mica Mine of Messrs Eastern Manganese and Minerals Limited, Domchanch, District Hazaribagh and their workmen, which was received by the Central Government on the 10th November, 1970.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 3) AT DHANBAD

REFERENCE No. 71 OF 1969

PRESENT:

Shri Sachindanand Sinha, M.A.M.L., Presiding Officer.

PARTIES:

Employers in relation to the Banderchua Mica Mine.

Vs.

Their workmen.

APPEARANCES:

For the employers.—Sri Girdhar Gopal, Personnel Officer.

For the workmen.—Sri B. Singh, General Secretary, Abrakh Mazdoor Panchayat.

INDUSTRY: Mica.

STATE: Bihar.

Dhanbad, Dated the 23rd of October 1970

AWARD

1. The Central Government, being of opinion that industrial dispute exists between the employers in relation to the Banderchua Mica Mine of Messrs Eastern Manganese and Minerals Limited, Domchanch, District Hazaribagh and their workmen, by its order No. 20/6/69-LR-IV dated the 10th of October, 1969 referred to this Tribunal under Section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the Schedule annexed thereto. The Schedule is extracted below:—

SCHEDULE

"Whether the action of the management of Messrs Eastern Manganese and Minerals Limited, Domchanch, in dismissing from service Shri Somar Gope and Shri Rohan Singh, Hand Drillers of Bandar-chua Mica Mine with effect from the 13th September, 1968 was justified? If not, to what relief are the workmen entitled?"

2. The General Secretary, Abrakh Mazdoor Panchayat filed the written statement on behalf of the workmen on 4th November, 1969. Their case is that the concerned workmen Sri Somar Gope and Sri Rohan Singh are the active workers of the Abrakh Mazdoor Panchayat. But the management forced them to become members of the Bihar Abrakh Mazdoor Sabha which was a pocket union of the management. But the concerned workmen declined to do so.

3. Therefore, the management issued false chargesheet against these concerned workmen on 22nd of July, 1968. The charge was false and groundless and an enquiry was held on the basis of that charge on the 7th of August, 1968 and 3rd of September, 1968. But no charge was proved against these concerned workmen. But in spite of that the concerned workmen were wrongly dismissed from service on 13th September, 1968, and that they were victimised on account of their trade union activities and inter-union rivalry. Therefore, they prayed that the order of dismissal was wrong and unjustified and they be reinstated with full back wages and continuity of service.

4. The management have filed written statement on 24th March, 1970. Their case is that the concerned workmen Sri Somar Gope and Sri Rohan Singh were employed as Hand Drillers in Banderchua Mica Mine. On 14th July, 1968 the employer received an unsigned letter from some person informing that some stolen mica had been kept at a place inside the mine to be removed at the convenience of some of the employees for clandestine sale.

5. On receiving this information, some of the officers of the Management visited the mine but failed to locate any mica said to have been stolen and kept concealed as indicated in that letter.

6. On 16th July, 1968, another unsigned letter was received by the General Manager in which a sketch map had been appended showing the exact location of the concealed mica. Accordingly, some of the Officers of the management visited the mine again on that date and as indicated in the sketch map they found 59 kgs. of good quality large mica valued at about Rs. 6,000/- concealed underground on the 5th level although work during that time was being carried out on the 13th level and below that.

7. After some preliminary enquiry it was found out that five of the workmen of the mine in question were involved in the pilferage including the two workmen concerned in this reference. Charge sheets were accordingly issued against each of them and the concerned workmen submitted their reply to the chargesheet and that the management held domestic enquiry. In that enquiry witnesses were produced on behalf of the Management in support of the charge and they were examined in presence of the concerned workmen. The concerned workmen were given all opportunity to cross examine the witnesses and in fact they did cross-examine the witnesses.

8. The Enquiring Officer, on considering the evidence that was adduced before him came to the conclusion that while the charge had been established against Sri Somar Gope and Shri Rohan Singh, it could not be said to have been established as against the other workmen.

9. On receipt of this report of the enquiry officer the management dismissed two workmen viz. S/Sri Somar Gope and Rohan Singh from service with effect from 13th September, 1968. According to the management there was no question of inter-union rivalry at the instance of the management. Therefore, according to the management they are not entitled to any relief.

10. The management examined one witness viz. Sri Girdhar Gopal, who is the Personnel Officer in the Eastern Manganese and Mineral Limited and they have also filed 10 items of documents which are marked as Ext. M—1 to M—10. On behalf of the workmen WW—1 Sri Somar Gope and WW—2 Sri Rohan Singh, the concerned workmen were examined.

11. The point for consideration is whether the management was justified in dismissing from service S/Sri Somar Gope and Rohan with effect from the 13th of September, 1968?

12. MW—1 Sri Girdhar Gopal, the Personnel Officer of the management has stated in his evidence that in the Bandarchua Mica Mine theft of mica was being committed but no clue was being found. The management received an anonymous letter dated 12th July, 1968 (Ext. M—3) regarding theft of mica in the mine and an enquiry was made on the basis of that letter. But no clue was found out and no recovery was made.

13. The management received second anonymous letter (Ext. M—4). In that letter the place where the stolen mica was kept was shown. An enquiry was made on receipt of that letter on that day and 59 kgs. of stolen mica was found concealed. Ext. M—5 is the report of the Zonal Manager Sri H. K. Mishra submitted to the management in which he has stated that 59 kgs. large mica was found in the north level end of 5th level.

14. It is not disputed that 59kg of mica was found concealed under ground in the north end of the 5th level. According to the management the mica was kept concealed underground with intention to remove it when the opportunity suits. But the case of the workmen is that they had not concealed mica and that they had no connection with it, and that they have been falsely implicated on account of trade union activities and inter-union rivalry.

15. The concerned workmen were charged along with 3 others viz. (1) Sri Anrudh Misra (2) Chatur Naryan Barhi and (3) Lattan Rajwar. The chargesheet runs as follows:—

"On confidential information the Zone Manager found 59 kg of mica concealed inside the mine in the 5th level with intention to steal away on 16th July, 1968 (not disputed). It has also come to our knowledge that all of you are involved in this case."

16. Therefore, the main charge was that the concerned workmen were involved in the concealment of the mica. The charge shows that the specific overt act done by these concerned workmen was not indicated in the chargesheet. Names of witnesses who saw the occurrence and on whose testimony an accusation was made was not disclosed in the chargesheet. *Prima facie* the charge was vague.

17. The object of furnishing a charge-sheet is to give an opportunity to the person who is charged with misconduct to defend himself and to give a proper explanation, with which he is charged. The charges which a person is called upon to meet, must, therefore, be clear, precise and accurate. Fair hearing presupposes a precise and definite catalogue of charges, so that the person charged may understand and effectively meet them. If the charges are imprecise or

indefinite, the person charged would not be able to understand them and defend himself effectively, and the result would not be a fair and just enquiry.

18. In *Meenglas Tea Estate Vs. its workmen Hindayatullah, J.* speaking for the Supreme Court made the following observations:

"It is an elementary principle that a person who is required to answer a charge must know not only the accusation but also the testimony by which the accusation is supported."

19. In the instant case I find that the charge is vague and the charge did not disclose the testimony on which the accusation was supported. Therefore, my opinion is that it was not a fair and just enquiry.

20. WW—1 Sri Somar Gope and WW—2 Sri Rohan Singh have stated in their evidence that they had never committed any theft of mica and that they were falsely implicated and that none of the witnesses examined in the domestic enquiry have stated that they had seen with their own eyes committing the theft of mica. They have further stated that during the enquiry proceeding Sri Bhagirath Sharma, the Secretary of the rival union, Bihar Abrakh Mazdoor Sabha was all along present.

21. The Enquiring Officer held that the charges against Sri Anirudh Mishra and Chatur Narayan Barhi were not proved. The enquiring Officer further observed that Baleshwer Bhuia and Basdeo Singh were also involved in the theft and recommended that the management should frame a separate chargesheet against them for proper action.

22. The management found the concerned workmen S/Sri Somar Gope and Rohan Singh guilty on the statement of Baleshwer Bhuia and Anirudh Mishra. But it is to be noted that Sri Anirudh Mishra was himself chargesheeted for concealment of the mica. He was in any way an accused along with S/Sri Rohan Singh and Somar Gope. Moreover, in his first statement in the domestic enquiry which was made on 7th August, 1968, he clearly stated that he had no knowledge as to who had concealed the mica. The other statement was of Sri Baleshwer Bhuia who was also involved in the theft.

23. Therefore, there was no evidence of any witness against the concerned workmen. There was statement of two persons who were themselves involved in that theft. Their statement can not be considered evidence against the concerned workmen. So practically there was no evidence against the concerned workmen that they had concealed the mica.

24. It is to be noted that MW—1 Sri Girdhar Gopal has admitted in his evidence that Sri Bhagirath Sharma, the Secretary of the Bihar Abrakh Mazdoor Sabha was present in the enquiry in his capacity as Secretary of the recognised union. He further stated that objection was raised by the workmen and therefore, he was not present on the subsequent date i.e. on 3rd September, 1968. The presence of Sri Bhagirath Sharma in the enquiry also lends support to the case of the concerned workmen that they were being victimised on account of inter-union rivalry.

25. In case of dismissal on misconduct, the Tribunal does not, however, act as court of appeal and enforce its own judgement for that of the management. The Tribunal can not act as a court of appeal in scrutinising the evidence and reaching conclusion of its own. The Tribunal's powers have been stated by the Supreme Court in a large number of cases and it has been ruled that the Tribunal can interfere where there is a basic error on a point of fact or a perverse finding.

26. In this case I find that there was no evidence against these concerned workmen excepting the statement of Anirudh Mishra, who was chargesheeted along with the concerned workmen and that of Baleshwer Bhuia against whom order was passed for holding a departmental enquiry as it was suspected that he had a hand in this concealment.

27. Therefore, I find that the finding of the domestic enquiry was perverse as it is not supported by any evidence and is entirely opposite to the whole body of the evidence adduced before it. Therefore, I find that the dismissal of these 2 concerned workmen can not be justified.

28. In this view of the evidence I hold that the management of Banderchua Mica Mine was not justified in dismissing from service S/Sri Somar Gope and Rohan Singh, Hand Drillers of Banderchua Mica Mine with effect from the 13th of September, 1968 and therefore, they are entitled to be reinstated with full back

wages from the date of their dismissal upto the date of their reinstatement along with continuity of service.

29. This is my award. It may be submitted to the Central Government under Section 15 of the Industrial Disputes Act, 1947.

(Sd.) SACHIDANAND SINHA, Presiding Officer.

[No. 20/6/69-LR-IV.]

S.O. 3781.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Bombay, in the industrial dispute between the employers in relation to the management of Sonshi Mine of Messrs Sesa Goa Private, Limited and their workmen, which was received by the Central Government on the 9th November, 1970.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, BOMBAY

REFERENCE No. CGIT-20 OF 1968

PARTIES:

Employment in relation to the management of Sonshi Mine of Messrs. Sesa Goa Pvt. Ltd.,

AND

their workmen.

PRESENT:

Shri A. T. Zambre, Presiding Officer.

APPEARANCES:

For the employers—Shri G. M. Kothari, Advocate with Shri A. V. Salgaonkar Personnel Officer.

For the workmen—Shri George Vas, General Secretary, Goa mining and Labour Welfare Union.

STATE: Union Territory of Goa.

INDUSTRY: Iron ore Mines.

Industry:— Iron ore Mining.

123456

Bombay dated the 12th October, 1970

AWARD.

The Government of India, Ministry of Labour, Employment and Rehabilitation, Department of Labour and Employment by their Order No. 24/36/67-LRI dated 3rd September, 1968 have referred to this Tribunal for adjudication an industrial dispute existing between the employers in relation to the management of Sonshi Mine of M/s Sesa Goa Pvt. Ltd., and their workmen in respect of the matters specified in the following schedule:—

SCHEDULE

“Whether the termination of services of Shri Jairam Gaunco Watchman of Sonshi Mine by the management of M/s Sesa Goa Pvt. Ltd., with effect from the 23rd March 1965 is justified? If not, to what relief is he entitled?”

2. The circumstances leading to the present reference may be stated in brief as follows:—

The Sonshi Iron Ore mine which formerly belonged to Extramine Ltd., and subsequently to one Francisconi was operated by M/s Mingoa Company Pvt. Ltd. The mining work of the Mingoa Company Pvt. Ltd., had for some reasons ceased and they had closed the operations and the present employers M/s Sesa Goa Pvt. Ltd., acquired the rights of operation of the Sonshi mines from Mingoa Pvt. Ltd., in the month of March 1964 together with the rights of operation of the Sanquelim Iron Ore mine. The employers had also acquired same machinery from the Mingoa Pvt. Ltd., and some monthly rated staff required was also transferred from them to Sesa Goa Pvt. Ltd.

3. Shri Jairam Gaunco the workman involved in this reference was in the service of Mingoa Pvt. Ltd; and was working as Watchman at the Sonshi Mines. Shri Jairam Gaunco was residing in the same village near about the Sonshi mines and the employers engaged him as a labourer and a watchman. On 23rd March,

1965 Jairam Gaunco was arrested by the Police as he was involved in the offence of theft of tarpaulin belonging to the company and was prosecuted. But ultimately he was acquitted of the charge of theft. After the acquittal he approached the management of the Sonshi Mines and requested them to give him work but they refused to engage him informing him that his services were not required. Thereafter the workman approached his Advocate and the authorities, viz., the Assistant Labour Commissioner making a complaint about his wrongful dismissal from service. The Assistant Labour Commissioner (Central) took up the dispute in conciliation and as the same was not settled he made a failure report on which the dispute was referred to this Tribunal for adjudication.

4. The Goa Mining Labour Welfare Union by its statement of claim and rejoinder has contended that the workman Shri Jairam Gaunco was employed by M/s Mingoa Pvt. Ltd., as watchman at the Sonshi mines from the year 1958 and was in their permanent employment. M/s Sesa Goa Pvt. Ltd., purchased Mingoa Pvt. Ltd., as a running business concern and the workmen including Jairam Gaunco were transferred to M/s Sesa Goa Pvt. Ltd., with continuity of service and as Sesa Goa Pvt. Ltd., are the successors of Mingoa Pvt. Ltd., Shri Jairam Gaunco continued in their employment with effect from 1st March, 1964. It has been further contended that Jairam Gaunco was engaged by the employers as a watchman and was made to do the work during day and night shifts. On the 23rd March 1965 the company reported to the police that he had committed theft of tarpaulin on which he was arrested and when he was released on bail he was not given work as he was suspended and was informed that he would be taken up if he would be found not guilty by the Magistrate. He has alleged that the Criminal Court had acquitted him honourably of the charge of theft but when he approached the management on 15th October, 1966 he was not taken back and no work was given. He made representations and wrote to the management but he was informed that his services were not required and thus he was wrongfully dismissed. He had contended that the management had not held any enquiry. He was not given any charge-sheet and the dismissal was illegal and improper and malicious.

5. The employers have by their written statement opposed the reference on technical grounds contending that the workmen of the Company employed in the Sonshi iron ore mines where Shri Gaunco was working are not the members of the union and no workman of the company is a member of the said union. The dispute has not been also espoused by the union or by a substantial number of members of the union. The workman was also not a member of the union and it is an individual dispute and as it has not been converted into an industrial dispute this Tribunal has no jurisdiction. It has been further contended that the dispute has been raised at a very late stage and is liable to be rejected. The reference has been further resisted on the contention that on the 23rd March 1965 Shri Jairam Gaunco was required to report for work and as he was employed as a casual workman it was treated that he had abandoned his services and he was not entitled to any reinstatement.

6. By their rejoinder the company has denied the union's allegations that they have purchased Mingoa Pvt. Ltd., as a running business concern and that all the workmen including Jairam Gaunco, watchman, were transferred to them as successors. They have alleged that Mingoa Pvt. Ltd., is still in existence and there was no question of the present employers being its successors. They have admitted that the services of some of the monthly rated workers of that company were transferred but have contended that the services of Shri Jairam Gaunco were already retrenched by M/s Mingoa Pvt. Ltd., with effect from 4th February, 1964. He was also paid by them all his legal dues and after the retrenchment he was not in the service of M/s Mingoa Pvt. Ltd., and there was no question of transfer of his services to the employers Sesa Goa Pvt. Ltd.

7. Regarding his services with the employers it is contended that with effect from 1st March, 1964 Shri Jairam Gaunco watchman was a casual workman with them on daily wages of Rs. 4/-. The Sonshi mines came into operation on 1st March 1965 but in order to put it in operation the preliminary prospecting and other installation work had to be carried on and for the purpose of keeping a watch on the company's property and doing other services Shri Jairam Gaunco who was residing in the same village near the mine area was taken on casual basis. They have denied that the workman was dismissed from service illegally and improperly but have contended that Jairam Gaunco failed to report for duty with effect from 23rd March, 1965 for a very long period and was treated by the company as having abandoned his service and as it was necessary to have proper arrangements for watch and ward of the company's machinery and property they had to engage another watchman.

8. The employers have denied the allegations about suspension and have contended that Jairam Gaunco first approached the company by his letter dated 7th May, 1966. At no time earlier to that date he had offered or made available himself for casual work. There was no question of his dismissal and no reason to hold any enquiry. A casual workman has no right to claim continuity of service and if work is available and the casual workman reports for duty then work is given to him and if he does not report there is no obligation on the employers to treat him as in continuous service. The company was not bound to give him work as he was a casual workman and after he abandoned his work alternative arrangements were made and as there was no wrongful dismissal he is not entitled to any relief.

9. In support of their contentions the union had examined the workman Jairam Gaunco and his wife and the employers have examined Shri Saldanha who was in charge of the Sonshi mines at the relevant time and I shall first discuss the contentions about jurisdiction.

10. The employers have contended that the present dispute is an individual dispute. It is not sponsored by the union or by any substantial number of workmen. The workman also was not a member of the union and it is not an industrial dispute and this Tribunal has no jurisdiction. The union has contended that in all the mines of the employers Sesa Goa Pvt. Ltd., the Goa Mining Labour Welfare Union is the only bargaining union. Almost all the employees in the establishment are its members and the workman was also their member and it is an industrial dispute.

11. The union has produced a copy of the application made by the employers to the Certifying Officer and Regional Labour Commissioner (C) dated 17th May, 1967 for the purpose of certifying standing orders for the Sanquelim Mine. In this application they have clearly stated that the only union functioning in all the three mines is the Goa Mining Labour Welfare Union from Assonera—Goa which was a party to the certification of the above standing orders. The Union has also produced another application of the employers to the A.L.C. (C) dated 15th November, 1966 granting recognition to one of their members as protected workman for the purpose of section 33(3) of the Industrial Disputes Act. The union has also produced a copy of the application of the employers dated 19th October 1967 regarding the corrections of the mistakes and the certification of the standing orders in respect of the Sonshi Iron Ore mine in which the workman concerned was working. A copy of this application is also sent by the General Secretary of the Goa Mining Labour Welfare Union and it cannot therefore be seriously disputed that a substantial number of employees of the establishment are the members of this union. However I do not think that this evidence led by the union will advance their case any further as they have not produced any evidence or a copy of the resolution by which the dispute was taken up by the union nor is it the case of the union that the union has passed a resolution to sponsor the present dispute and there appears to be much substance in the employers' contention that the dispute was not sponsored by the union.

12. This would be further corroborated from the union's application dated 16th June, 1969. While giving facts I have already stated that the reference order is dated 3rd September, 1968 and after the notices were issued the union had not filed their statement. But the General Secretary of the Union had made an application to permit them to file their statement of claim after the revision of the order. Along with the application they had sent a copy of the application made by them to the Government. In this application dated 16th June 1969 they have stated that the Government had committed a mistake in referring the dispute. They have stated:—

"It seems that the Government inadvertently has committed a mistake by referring the dispute as an industrial dispute as the matter in dispute was raised by the workman concerned. At the time when the investigation was in progress before the Assistant Labour Commissioner Vasco-da-gama the Goa Mining Labour Welfare Union was authorised by the workman concerned to represent him."

These statements in the application clearly prove that the union had not sponsored the dispute but the workman himself had referred the matter to the authorities and subsequently the union represented him before the Assistant Labour Commissioner and it shall have to be held that the union has not espoused the cause of the workman.

13. However, I do not think that this circumstance will in any way affect the validity of the reference as it is clear from the issue in question that the dispute relates to the termination of service of Shri Jairam Gaunco. After his acquittal from the charge of theft in the criminal case he had raised the dispute. By that time the Industrial Disputes Act was amended and section 2A was introduced. Section 2A clearly provides in effect that discharge, dismissal, retrenchment or termination of service of an individual workman shall be deemed to be an industrial dispute notwithstanding that no other workman nor the union of workmen was a party to the dispute. This section was in force when the workman raised the dispute and it is not necessary that for converting the dispute into an industrial dispute espousal by a trade union is necessary. Under section 2A this dispute though it pertains to an individual workman will be deemed to be an industrial dispute and I do not think that the contentions of the employers can be accepted.

14. Shri Kothari the learned Counsel on behalf of the employers has argued that the present dispute cannot be deemed to be an industrial dispute as no notification has been issued making the amendment applicable to the union territory and this amendment will not be applicable. I do not think this contention deserves any serious consideration. It is not in dispute that after the liberation of Goa the territories of Goa, Daman & Diu were declared to be union territories and the names of these territories were inserted in the first schedule of the Constitution which mentions the states and the Union Territories of India and an act amending the Industrial Disputes Act introducing section 2A having been passed by Parliament is automatically applicable to the territory. It is significant to remember that after the liberation of Goa the President of India had promulgated a regulation extending certain laws to the union territory of Goa Daman & Diu. Under section 3 of this regulation, acts as they were generally in force in the territories to which they extended were extended to Goa. This schedule included the Industrial Disputes Act and as Goa, Daman and Diu are parts of India amendment to the act will be applicable and the dispute though not espoused by any union shall be deemed to be an industrial dispute and this Tribunal has jurisdiction.

15. The union has contended that the workman Jairam Gaunco was a permanent employee of Mingoa Pvt. Ltd., which was taken over by the employers. The employees also were transferred from February 1964 and the services of the workman Jairam Gaunco were also transferred and he is in the employ of Sesa Goa Pvt. Ltd. Shri Jairam Gaunco has stated that when Sesa Goa took over from the old company they took their signatures on paper and they were told that it was a sister concern and they should work for the company. However, the union has not produced any satisfactory evidence or made any effort to show that the services of Jairam Gaunco were transferred to M/s Sesa Goa nor is there any proof to show that Mingoa Pvt. Ltd., was taken over by Sesa Goa Pvt. Ltd., as going concern. On the contrary Shri Saldhana the mining in charge of the employers has stated that Mingoa Pvt. Ltd., is still in existence and there is nothing to show that M/s Sesa Goa Pvt. Ltd., are the successors.

16. The employers have contended that Jairam Gaunco who was previously in the service of Mingoa Pvt. Ltd., was retrenched by M/s Mingoa Pvt. Ltd., and there was no question of transferring his services. They have alleged that the mine was almost closed and as Shri Jairam Gaunco was residing near about the mines they used to engage him as and when required as casual labourer and he has no right to any continuity. In support of this contention they have produced the receipt exhibit E-1 which is signed by the workman. This receipt shows that Jairam Gaunco has been paid Rs. 264 by Mingoa Pvt. Ltd., in satisfaction of his notice pay compensation leave pay etc. It also mentions retrenchment and the reason of discharge and this evidence clearly proves that his services were not transferred to M/s Sesa Goa Pvt. Ltd.

17. If appears from the evidence of Shri Saldhana that they had taken over the work of operation of Sonshi Mine and for about a year they were doing prospecting work and the actual operation started from 1st March, 1965.

"In the month of March five or six persons were working in the Sonshi mine. They were doing prospecting work. There were not more than 5-6 workers. There were no other workers."

As the mines were closed for about a year and there was no mining operation there was no question of regular employees working at the Sonshi mines and this circumstance also supports the employer's contentions that they used to engage Jairam as a casual labourer as and when required.

18. The employer's contention that they used to engage Jairam Gaunco as casual labour is supported by the circumstance that he was not a monthly-rated worker. In the written statement itself the union has stated:—

"He (Jairam Gaunco) was paid daily wages and was not given any reliever or assistance to help him in his duties."

In his deposition also he has admitted that he was on daily wages. He has stated:—

"I was paid Rs. 4 per day on the day on which I worked. I am shown the pay sheet and it shows my signature on the day I worked and I was paid."

The pay sheet exhibit E-2 also supports the employer's contention that Jairam Gaunco was a casual labourer and was paid daily wages and I do not think that there can be any question of either dismissal or removal from service of such a workman.

19. Jairam Gaunco has stated that he was accused of having stolen the property of the company and was arrested and was taken to the police station but he has stated that he was released on bail after some days and he approached the management a European Officer, who was working as C.M.E. at that time the European officer promised him that he would take him in service after the acquittal in the criminal case. Shri Jairam has further stated that when he approached the officer after acquittal with a copy of the judgment the officer told him that he had already engaged a watchman and he did not want his services and he was not reinstated. The management has produced the workman's application dated 7-5-66 which contains the endorsement by the officer. It reads:—

"This man was working with us from time to time as a casual worker for watching Sonshi installation. His services were discontinued according to exigency of work and he is not required, since we have enough watchmen at present."

This endorsement also supports the management's contention that he was a casual labourer and his story that he had approached the European Officer who had promised him to be taken up cannot be believed.

20. I have already mentioned that the Sonshi mines started operation from the month of March 1965. In the first month there were two or three labourers, in the next month there were five or six. Work was being done with only one contractor and there was no question of the European officer being present in the Sonshi mines. It may be that the workman might have approached some officer of the Co., in other mines. He was engaged by the management as a casual labourer at Sonshi mines, and he ought to have approached the officer who was in charge of that mine. The management has examined Shri Saldhana who was in charge of the Sonshi mine in 1965. Shri Saldhana has stated:—

"After Jairam was arrested by the police he did not show his face. During the whole year and upto 1966 May he did not report for duty. If he wanted to report for duty he should have come and reported to me as I was in charge of all the casual labour."

This evidence clearly shows that the workman did not approach Shri Saldhana who could have helped him if possible. However, it is clear that Jairam Gaunco was not a monthly rated employee of Sonshi mine. He was a casual labourer and there was no question of termination of his service.

21. It is an admitted fact that on 23rd April, 1965 the workmen was arrested by the police. Naturally he could not attend to his duties and as he did not attend his duties continuously for days together the management took it that he had abandoned his services and there is no question of wrongfully dismissal or termination of service. The issue referred to this Tribunal for adjudication is whether the termination of services of Shri Jairam Gaunco with effect from 23rd March 1965 is justified. From the evidence it is clear that the management has not terminated his services from 23rd March, 1965. Jairam himself did not attend to his duties. It is true that Jairam Gaunco approached the management in the month of December 1965 and at that time he was told that his services were not required and if this amounted to the termination of his services with effect from 23rd March, 1965 it shall have to be held that the same is justified and the workman is not entitled to any relief. Hence my award accordingly.

No order as to costs.

(Sd.) A. T. ZAMBRE,
Presiding Officer.
[No. 24(38)/67-LR-IV.]

New Delhi, the 18th November, 1970

S.O. 3782.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 3), Dhanbad, in the industrial dispute between the employers in relation to the management of Albion Colliery, Post Office Karmatand, District Dhanbad and their workmen, which was received by the Central Government on the 9th November, 1970.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 3) AT DHANBAD

REFERENCE No. 58 OF 1969

PRESENT:

Sri Sachidanand Sinha, M.A.M.L., Presiding Officer.

PARTIES:

Employers in relation to the Management of Albion Colliery.

Versus

Their workmen.

APPEARANCES:

For the employers.—S/Sri S. S. Mukherjee and B. Joshi, Advocates.

For the workmen.—S/Sri J. D. Lal and P. Chaudhary, Advocates.

INDUSTRY: Coal

STATE: Bihar.

Cump at Patna, Dated the 24th of October, 1970

AWARD

1. The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the management of Albion Colliery, Post Office Karmatand, District Dhanbad and their workmen, by its order No. 1/(6)/69-LR-II dated the 23rd of August, 1969 referred to this Tribunal under Section 10(1) (d) of the Industrial Disputes Act 1947 for adjudication the dispute in respect of the matters specified in the Schedule annexed thereto. The Schedule is extracted below:—

SCHEDULE

“Whether the management of Albion Colliery, Post Office Karmatand, District Dhanbad was justified in stopping the 40 workmen from work whose names and designations are shown below with effect from the 1st December, 1967?”

Sl. No.	Name	Designation
1	Maya Das	M ner
2	Sitaram	"
3	Dumn Das	"
4	Jodha	"
5	Jitu Ram	"
6	Monglu	"
7	Scwa Ram	"
8	Ghasa	"
9	Sonaram	"
10	Pujari	"
11	B shuha	"
12	Kodu Ram	"
13	Lal Ram	"
14	Guha Ram	"
15	Awadh Das	"
16	Shyam Lal	"
17	Ram Lal	"
18	Lal Das	"
19	Sona Das	"
20	Chamru	"

Sl. No.	Name	Designation
21	Jan Bai	Kamin
22	Nan Bai	"
23	Nan Bai	"
24	Sabitri	"
25	Sona Bai	"
26	Binda Bai	"
27	Bysakhia	"
28	Jan Bai	"
29	Barando Bai	"
30	Phulwatia	"
31	Chaiti Bai	"
32	Basanta Bai	"
33	Ram Bai	"
34	Teja Bai	"
35	Mikri Bai	"
36	Dhani Bai	"
37	Mahatrin	"
38	Meghdi Bai	"
39	Laxmi Bai	"
40	Keja Bai	"

If not, to what rel ef are they entitled ?"

2. A written statement was filed on behalf of the workmen on the 13th November, 1969. Their case is that the concerned 40 workmen were the permanent employees in the Albion Colliery and work working continuously from the year 1962 as miners and kamins. These workmen were stopped from work with effect from 1st December, 1967 without any notice or retrenchment compensation. The reason for stoppage of work is association of these workmen with Sri A. K. Roy, a Communist M.L.A. who organised a public meeting of the workers of this colliery on 21st November, 1967 in which a resolution was passed for immediate implementation of the recommendations of the Central Wage Board for Coal Mining Industry, and other demands of the workers.

3. According to the Union Sri Om Prakash Agarwalla who looked after the management went to the quarries where these workmen concerned and many others were working on 1st December, 1967 and told them that he does not tolerate their joining the Communist Union and their demanding higher wages as per Wage Board Recommendation and if they do not give assurance to leave that union and stop making demand for implementation of Coal Wage Board Recommendations, they would be discharged from service.

4. He became angry and stopped these workmen and many others from work then and there and closed the quarries Nos. 2, 4 and 5 where these workmen were working.

5. According to the Union this stoppage of work with effect from 1st December, 1967 is unjustified, illegal and *mala fide* and smacks of victimization and that the action of the management amounts to retrenchment of the workmen and therefore, the concerned workmen are entitled to be reinstated with full back wages and other benefits with continuity of service.

6. The management filed their written statement on 9th October, 1969 and rejoinder on 3rd January, 1970. According to the management none of the workmen mentioned in the Schedule of the reference was on the roll of the colliery on the 1st December, 1967. They denied that any of the workmen mentioned in the Schedule of reference has been stopped from work with effect from 1st December, 1967.

7. According to the management the workmen mentioned in serial Nos. 1, 5, 6, 8, 10, 12, 17, 27, 30, 34, 35 and 37 have worked in this colliery as quarry workers on a purely casual and temporary basis for a few days in the year 1967. The details are given in para 3 of their written statement. According to the management these 12 workmen abandoned their services voluntarily.

8. According to the management the remaining workmen mentioned in serial Nos. 2, 3, 4, 7, 9, 11, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28, 29, 31, 32, 33, 36, 38, 39, 40 were not in the employment at any time in the year 1967 and as such refusal of work to them on 1st December, 1967 does not arise.

9. It was further contended on behalf of the management that no dispute was raised with the management and the workmen made a belated complaint by letter dated 24th February, 1969 directly before the Asstt. Labour Commissioner.

10. It was further submitted that the quarry mines were closed down on 27th November, 1967 due to difficult and dangerous mining conditions, the persons employed in the quarries during the relevant time were given suitable alternative jobs. Some of the workmen accepted the alternative jobs, whereas some of the workmen on roll during the relevant time refused to accept the same, and that the Communist Union took advantage of the above situation and cooked up various false cases against the management.

11. According to the management the present case of the workmen is based on imaginary allegations and non-existing facts and they prayed that the workmen are not entitled to any relief.

12. On behalf of the management 2 witnesses were examined viz. MW-1 Sri R. N. Singh, who is Storekeeper, Bil, leave and Provident Fund Clerk of the management. He has proved Ext. M-2 to M-8. He has also proved the notice Ext. M-9 and the Manager's diary Ext. M-8.

13. MW-2 is Sri S. C. Sharma who is incharge of the Albion Colliery since 1st December, 1964. He has stated in his evidence that the quarry was closed since 27th November, 1967 and that Sri O. P. Agrawalla is not connected with the colliery and that Sri S. N. Agrawalla is the managing contractor of the colliery. He has further stated that Sri O. P. Agrawalla is the brother of Sri S. N. Agrawalla and prior to March, 1970 Sri O. P. Agrawalla was staying at Burrakar.

14. 9 items of documents were exhibited on behalf of the management and they are marked as Ext. M-1 to M-9.

15. On behalf of the workmen 3 witnesses have been examined viz. Sri Chuludas, who is not a workman in the present dispute. WW-2 Ram Lal, who is the concerned workman mentioned in serial No. 17 of the order of reference. WW-3 is Sri Banshidhar Mallah, who is the local Secretary of the Bihar Colliery Kamgar Union, Sijua Branch. The management has filed Ext. M-3, the certified copy of judgement in the criminal case against Sri Bansidhar Mallah showing that he was convicted under Section 395 and was sentenced for R.I. for 3 years.

16. The point for consideration is whether the management was justified in stopping the 40 concerned workmen from work with effect from 1st December, 1967?

17. WW-1 Sri Chulu Das has stated in his evidence that they were demanding from the management their proper wages, bonus, leave wages etc. and when the management denied to fulfil their demand they approached Sri A. K. Roy, a Communist Leader and there was a meeting in that connection on 21st November, 1967. The meeting was held at Sijua near Albion Colliery and that meeting was addressed by Sri A. K. Roy and others and in that meeting a resolution was passed regarding under payment of wages and other demands of the workers of the Albion Colliery.

18. Ext. W-1 is the notice in connection with that meeting of 21st November, 1967 at village Sijua. Ext. W-2 is the resolution of that meeting. It was not seriously contended on behalf of the management that a meeting was not held on 21st November, 1967 and the resolution was not passed in that meeting.

19. Ext. W-1 and W-2 have been filed in order to show that immediately after the meeting on 21st November, 1967 these concerned workmen were dismissed by the management. The stand taken by the management is altogether different. Their case is that 28 workmen mentioned in serial Nos. 2, 3, 4, 7, 9, 11, 13, 14, 29, 31, 32, 33, 36, 38, 39, 40 were not 15, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28 in their employment in the year 1967. The workmen mentioned in para 5 of the employer's written statement have not been examined on the point that as a matter of fact they were permanent employees of the management and therefore, on their non-examination on this point adverse inference has got to be drawn.

20. In respect to remaining 12 workmen mentioned in para 3 of the written statement of the employers viz. workmen mentioned in sl. No. 1, 5, 6, 8, 10, 12, 17, 27, 30, 34, 35 and 37 the case of the management is that they worked for a few days as mentioned in para 3 of the written statement and they left and abandoned their services voluntarily without intimation to the management.

21. Out of the aforesaid 12 workmen only one workman viz., WW-2 Sri Ram Lal, mentioned in serial No. 17 of the order has been examined on behalf of the Union. In the cross-examination he has stated that he had got no letter of appointment as no such letter was handed over to him by the management at the time of his appointment. He further stated that he has got no paper to show that he worked in the quarry. Therefore, his oral testimony is also of unsatisfactory nature.

22. Ext. M-8 is the Manager's diary. It is signed by Sri S. N. Rao, the then Manager and it shows that the quarry was closed since 27th November, 1967. Ext. M-9 is the notice dated 27th November, 1967. The notice shows that the employment of persons in A Seam quarry was not safe and was dangerous for human safety and that no person shall be allowed to work in A Seam quarry till it was made safe. It was therefore, directed that all quarry male workers should report for work at B seam in-cline and all female quarry workers are to report for work at coal depot of the colliery.

23. Therefore, Ext. M-8 and M-9 show that the quarry was closed with effect from 27th November, 1967. There is no reason to believe that Ext. M-8 and M-9 are not genuine and are spurious documents.

24. According to the management workmen mentioned in para 5 of their written statement were never in the employment of the management in the year 1967 and that the 12 workmen mentioned in para 3 of their written statement, worked for a few days on a temporary basis in the year 1967 and thereafter they left their services voluntarily. In order to support their stand the management have filed Ext. M-4, form D register, Ext. M-5, form B register, Ext. M-6 Wage sheets for the year 1967 and Ext. M-7 C.M.P.F. register for the year 1967.

25. An attempt was made on behalf of the workmen to show that some of the workmen mentioned in para 5 of the employer's written statement and about whom it is said that they never worked under the management in the year 1967 and were not enrolled under the management, but their names appear in form B register (Ext. M-5).

26. In this connection my attention was drawn to the names of Shyamlal, Sona Bai, Pasanta Bai and Keja Bai. But they have not been examined on behalf of the Union to support their case. Therefore, it cannot be said with certainty that Shyamlal, Sona Bai, Pasanta Bai and Keja Bai mentioned in form B register (Ext. M-5) are the same persons as mentioned in the order of reference.

27. In my opinion there has been no sufficient material to hold that these registers are not kept in regular course of business or they are spurious registers manufactured for this purpose. These registers were also filed in previous case by the management being in reference No. 16 of 1969. These registers show the absence of the names of the workers mentioned in para 5 of the employer's written statement. These registers also show that the workers mentioned in para 3 of the employer's written statement worked for a few days in the year 1967.

28. Therefore, these registers corroborated the case of the management and I do not find any reason to disbelieve the statements made in these registers.

29. It is also significant to note that the case of the workmen is that they were stopped from work on 1st December, 1967. But they made complaint to the Asstt. Labour Commissioner for the first time by their letter dated 24th February, 1969 i.e. 15 months after the alleged stoppage. On these grounds it was argued before me on behalf of the management that had the stoppage been a true fact the concerned workmen would not have waited for 15 months from the alleged date of stoppage. According to the management the quarry mines were closed down on 27th November, 1967 due to difficult and dangerous mining conditions and that the persons employed in the quarries during the relevant time were given suitable alternative job and some of them accepted the alternative job and while the other workmen on the roll did not accept the same and that the union had taken advantage of this situation and the circumstances. The facts and circumstances of this case also point to the same direction.

30. In this view of the case I hold that the quarry mine was closed on 27th November, 1967 and there was no question of stopping the 40 concerned workmen from work with effect from 1st December, 1967. The concerned workmen are therefore, not entitled to any relief.

31. This is my award. It may now be submitted to the Central Government under section 15 of the Industrial Disputes Act, 1947.

(Sd.) SACHIDANAND SINHA,
Presiding Officer
[No. 1/6/69-LRII.]

S.O. 3783.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of Dishergarh Office of the Messrs Equitable Coal Company Limited, Post Office Dishergarh, District Burdwan and their workmen, which was received by the Central Government on the 7th November, 1970.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA.

REFERENCE No. of 1970.

PARTIES:

Employers in relation to the management of Dishergarh Office of Messrs Equitable Coal Company Limited.

AND

Their workmen.

PRESENT:

Mr. B N Banerjee—Presiding Officer.

APPEARANCES:

On behalf of Employers.—Sri Manoj Kumar Mukherjee, Advocate

On behalf of workmen.—Sri Giridhar Mukherjee, Advocate.

STATE: West Bengal

INDUSTRY: Coal Mines.

AWARD

By Order No. 1/34/70-LRII, dated July 25, 1970, the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), referred the following industrial dispute between the employers in relation to the management of Dishergarh Office of Messrs Equitable Coal Company Limited and their workmen, to this Tribunal, for adjudication, namely:

“Whether the demand of the telephone clerks Grade—II of Dishergarh Office of Messrs Equitable Coal Company Limited, Post Office Dishergarh, District Burdwan, for Grade I as per Wage Board Recommendations is justified? If so, from what date?”

2. The workmen represented by Equitable Coal Company Limited's Employees Union (Ind.), filed a written statement. It was therein stated that the Dishergarh office of the Equitable Coal Company Limited has a PBX telephone consisting of 50 lines and that the said PBX telephone was manned for 24 hours by four telephone clerks, namely, (1) A. N. Chatterjee, (2) J. J. Mukherjee, (3) D. D. Mitra and (4) T. K. Biswas. In paragraph 3 of the said written statement, it was stated:

“That Sri A. N. Chatterjee and Sri J. J. Mukherjee have been placed in Gr. I Clerk prior to Wage Board Recommendations. To man the said Telephone set up equal technical knowledge is necessary for all the clerks. None of the clerks possesses any special Technical qualification with regard to the said job. All Telephone Clerks bear the same responsibility for manning the Telephone set up at Dishergarh Office.”

It is further stated, in paragraph 7 of the said written statement,

“That as per Roster of Duty prepared by the Management the said Telephone set up is manned for 24 hours Sri A. N. Chatterjee being an aged man the Management has allowed him to do the General Shift Duty beginning from 7 A.M. to 12 A.M. and from 3 P.M. to 5 P.M.

on all working days from Monday to Friday in a week and for Saturday he performs his duty from 7 A. M. to the 12 A.M. as Saturday is the half working day for the Dishergarh Office. The other three clerks man the Telephone for the rest period of the days by rotation. Whenever Sri A. N. Chatterjee falls sick or takes his due leave or enjoys festival holidays along with other office staff his General Shift Duty is performed by any of the rest three clerks who remains in off duty on the particular days as per roster of the Telephone duty prepared by the Management. Sri D. D. Mitra and Sri T. K. Biswas never got any difference of wages for different scales of pay between Gr. II and I for performing the same nature of job and duties that are performed by Sri A. N. Chatterjee and J. J. Mukherjee who have been placed in Gr. I scale by the Company."

In paragraph 8 of the written statement, it was pleaded that A. N. Chatterjee, was appointed in October, 1958. J. J. Mukherjee in February, 1950, D. D. Mitra in April 1947 and T. K. Biswas in January, 1958. In paragraphs 9 and 10 of the written statement it was pleaded:

- "9. That Sri D. D. Mitra is the Senior most clerk amongst the four clerks of the Company placed in the Telephone set up. Sri Mitra has acquired diverse experience having worked in various sections in different establishments of the Company. Since his appointment he worked as Census Clerk, Ration Clerk, P. F. Clerk, General Clerk and Telephone Clerk as per exigency of the Management.
10. That in 1956 the Management brought Sri D. D. Mitra in the Telephone set up at Dishergarh Office and he worked for several years at the said Telephone. Afterwards he was transferred to the Bhanora Colliery of the Equitable Coal Company Ltd., as General Clerk for sometime and was again brought back to Dishergarh and put him in telephone duty. Since 1962 he is attached to the Telephone Duty for a continuous period."

Since the recommendations of the Central Wage Board for Coal Mining Industry did not prescribe any grade for telephone clerks with job description and since the said Wage Board recommended that if any dispute arose for any categorisation that was not mentioned therein, the said dispute should be settled by mutual negotiations between the management and the representatives of the workmen at unit level, the workmen raised the present industrial dispute and obtained the present reference to this Tribunal.

3. The management also filed a written statement. The said written statement is prolix and at places almost unmeaning. In paragraph 4 of the written statement it was pleaded that the Wage Board recommendations did not provide for any nomenclature for grading of 'telephone clerks'. Consequently, the demand of the workmen for gradation on the basis of these recommendations was without any basis. In paragraph 7 of the written statement it was stated:

"Sarvasree J. J. Mukherjee and A. N. Chatterjee were placed in Grade I in consideration of their seniority, experience aptitude, uninterrupted service in the same post since their appointment and also for considerably better record of service. It is not denied that to man the telephone set-up equal technical knowledge is necessary but for the purpose of promotion to higher grade the factors stated above have got to be taken into consideration in deciding the suitability and eligibility of the incumbents. The Employers admit that none of the clerks possess any special technical knowledge with regard to the job and that all telephone clerks bear the same responsibility for manning the telephone set-up at Dishergarh office."

In paragraph 11 of the said written statement, which was in answer to paragraph 7 of the written statement of the employees it was pleaded:

"The Employers state that as the general shift constitute most of the office-hours, the calls in the said shift are more important and greater in number. As such it required expert handling and Shri Chatterjee's duty has been allotted in the said shift because of his experience, efficiency and aptitude. The Employers admit the rest of the statement made in the said paragraph save and except the statement that Sarvasree D. D. Mitra and T. K. Biswas never got any difference of wages for different scales of pay between Grade I, Grade II and or Grade III for performing the same nature of job and duties that are performed by Sarvasree A. N. Chatterjee and J. J. Mukherjee who have been placed in Grade I".

The portion of the said paragraph beginning from "The employers admit the rest of the statement" upto "A. N. Chatterjee and J. J. Mukherjee who have been placed in Grade I" was later on said to have been inadvertently pleaded and there was an application made for the said portion being expunged. With regard to D. D. Mitra it was specifically pleaded in paragraphs 13 and 14 of the said written statement.

- "13. That the Employers deny the statement that Shri D. D. Mitra is the seniormost telephone clerk as claimed in paragraph 9 of the Written Statement and state that Sri Mitra joined the Company as Census Clerk in April, 1947 and continued to work as such till 21st December 1950 when he was promoted to Ration Clerk at Hurriladih Colliery, one of the Units of the Company and since July 1952 he worked in different section of the Company as P. F. Clerk, General Clerk Telephone Operator etc., till June 1966 when he was dismissed for misconduct but was re-instated on 11th July 1966 on humanitarian grounds. During the above period besides the dismissal he had rendered himself liable several times for disciplinary actions but the management has always taken a lenient view in that respect.
14. With reference to the statements made in paragraph 10 of the Written Statement the Employers states that Shri Mitra was put as a Telephone Clerk, with effect from 22nd November, 1958 but was transferred to Bhanora Colliery of the Company as General Clerk in the year 1962 and was again brought to the Dishergarh Office as a P. F. Clerk in November, 1963."

I need not concern myself with rest of the written statement.

4. Of the four telephone clerks, two clerks, namely J. J. Mukherjee and A.N. Chatterjee, are in grade I. They have no dispute with the gradation as made by the employer. The dispute is limited to D.D. Mitra and T.K. Biswas, the remaining two telephone clerks, who are both in grade II. Of the latter two, only D.D. Mitra appeared before the Tribunal and gave evidence. T. K. Biswas did not depose. D.D. Mitra in his evidence stated:

"In this reference we have claimed promotion to grade I, we have asked for grade I, because in grade II we get lesser wages, and suffer economically. I was first appointed on April 26, 1947. We have asked grade I, because we do the same kind of work, as grade I people do.

Cross-examination

I have been throughout serving in grade II. I do not know when T. K. Biswas was placed in grade II.

Recalled by the Tribunal.

(Shown Ex.H). When I was first appointed in 1947, my designation was that of a Census Clerk. After two or three Years, I became a Ration Clerk. A few years further thereafter, I was made the Bonus clerk. As Census clerk and Ration clerk I was working in Hurriladih colliery of Equitable Coal Company Ltd. As Bonus clerk I was working at Dishergarh office. That was in the year 1952. In the year 1966, I was made Telephone clerk. I was once dismissed in the year 1966. Ninedays thereafter I was reinstated. When I first joined the service my basic pay was Rs. 30/-. In 1956, my basic pay was Rs. 50/-. I was warned for misconduct in the years 1954, 1958, 1961, twice in 1965 and dismissed in 1966."

Of grade I clerks, J. J. Mukherjee came to depose in support of the grade II clerks. He stated in his examination in-chief:

"There are two Grade I clerks and two Grade II clerks. Grade I and Grade II clerks discharge the same kind of duties."

This last mentioned witness, I may atonce state, did not impress me. He spoke with a good deal of reservation. In his examination in-chief he said, 'Prior to my emplacement in grade I, I do not remember in which grade I used to serve'. In cross-examination he further stated, 'I do not remember the year when I was placed in grade I, nor can I exactly say how many years ago'. He will not even admit that he was promoted because of his experience because he categorically stated in his cross-examination. 'I cannot say that I was promoted because of my experience'. I therefore ignore his evidence, as unworthy of credence.

5. In the recommendations of the Central Wage Board for Coal Mining Industry, there is no special grades or scales of pay recommended for telephone clerks. It is an admitted position that telephone clerks are treated as clerks and that there are gradations for clerks. Telephone clerks are fitted in clerical gradations.

6. Mr. Girdhar Mukherjee, learned Advocate appearing for the workmen reminded me of the directive principles contained in Part IV, Article 39(d) of the Constitution of India which I set out below:

“Art. 39: The State shall, in particular, direct its policy towards securing—

(a) **

(b) **

(c) **

(d) that there is equal pay for equal work for both men and women.”

In making this submission Mr. Mukherjee over-looks the provisions contained in Article 37 of Part 4 which also I set out below:

“Art. 37: The provisions contained in this part shall not be enforceable by any Court, the principles therein laid down are nevertheless fundamental in the governance of the country and it shall be the duty of the State to apply these principles in making laws.”

The argument of Mr. Mukherjee would have been an attractive argument before Legislatures or before the Executive Government. I am not competent to enforce Art. 39(d) of the Constitution in this reference, without more. It is well known that in an industry it is permissible to have gradations amongst a particular classification of workmen. It is also permissible to have wages standardised grade by grade. It is no proposition of the industrial juris-prudence that there must be one gradation and that all workmen, say in the clerical cadre, shall be paid equal amount of wages. That may be an ideal state, about which difference opinions are possible. For the present, it is permissible to have gradations and to promote workmen from lower grade to higher grade according to seniority-*cum*-qualification. D. D. Mitra, one of the concerned workmen states that he was the senior-most clerk and therefore he should have been placed in grade I. It appears from the service records, Ex. H series, that D.D. Mitra was senior most clerk regard being had to the date of his first appointment. But his seniority in this respect is considerably over-weighed by several punishments imposed upon him, including one of dismissal, which last punishment however, was later on excused on his undertaking that he would not repeat the misconduct in future. D. D. Mitra himself admits the series of misconduct as appears in service card Ex. H. Thus, his claim based on seniority is neutralised by his misconduct. Further, his experience as a telephone clerk, is not older than November 1956. The other claimant for grade I, T. K. Biswas, is juniormost amongst the four. He was appointed only in 1958. He cannot as a right claim promotion to grade I.

7. Having considered the evidence and in the view that I take, I hold that the demand of telephone clerks grade II of Dishergarh office of Equitable Coal Company Limited for grade I as per Wage Board recommendations is not justified and both of the grade II telephone clerks are not entitled to any relief at the present moment.

This is my award.

Dated, October 30, 1970

(Sd.) B. N. BANERJEE,

Presiding Officer.

[No. 1/34/70-LRII.]

S.O. 3784.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of Victoria West Colliery of Messrs New Birbhum Coal Company Limited, Post Office Dishergarh, District Burdwan and their workmen which was received by the Central Government on the 6th November, 1970.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

REFERENCE No. 32 of 1970

PARTIES:

Employers in relation to the management of Victoria West Colliery of
Messrs New Birbhum Coal Company Limited,

AND

Their workmen.

PRESENT:

Mr. B. N. Banerjee, Presiding Officer.

APPEARANCE:

On behalf of Employers—Shri D. Narsingh, Advocate.

On behalf of Workmen—Shri P. Das Gupta, Advocate.

STATE: West Bengal.

INDUSTRY: Coal Mines.

AWARD

By Order No. 6/10/70-LR II, dated July 17, 1970, the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), referred the following dispute between the employers in relation to the management of Victoria West Colliery of Messrs New Birbhum Coal Company Limited and their workmen, to this Tribunal, for adjudication, namely:

"Keeping in view of the recommendations of the Central Wage Board as accepted by the Government of India in their Resolution No. WB-16(5)/66 dated the 21st July, 1967, whether the management of Victoria West Colliery of Messrs New Birbhum Coal Company Limited, Post office Dishergarh, District Burdwan was justified in placing Shri Sisir Kumar Sutradhar, Turner in category IV from the 15th August, 1967 and later promoting him to Category V from the 1st December, 1969? If not, to what relief is the workman entitled?"

2. The workmen, represented by the Colliery Madoor Congress (HMS), filed a written statement. In paragraph 2 of the written statement, it was pleaded that the concerned workman was employed as a Mechanical Fitter-Mazdoor on and from December 12, 1960, under the trainee scheme, and after completion of his training was promoted as a turner on and from February 18, 1966. It was further pleaded, in paragraph 3 of the written statement, that the employer company implemented the recommendations of the Central Wage Board for Coal Mining Industry with effect from August 15, 1967. It was also pleaded, in paragraph 4 of the written statement, that according to the recommendations contained in Volume II, Appendix V, a turner/latheman, grade II (W) is to be placed in category V and a turner-latheman grade I(W) is to be placed in Category VI. Nevertheless, as pleaded in paragraph 5, the employer company arbitrarily placed the concerned workman in Category IV although his co-worker Narayan Karmakar was placed in Category VI. It was lastly pleaded, in paragraph 9, that during the pendency of the dispute, the management arbitrarily promoted the concerned workman to category V at the minimum pay of the category with effect from December 1, 1969. In these circumstances, it was demanded that Sisir Kumar Sutradhar be placed in Category VI with effect from August 15, 1967 and be paid all his arrear of pay and emoluments of that category with effect from the said date.

3. The management also filed a written statement. In paragraph 1 of the said written statement it was pleaded that the concerned workman was first appointed as a Fitter-Mazdoor, on December 12, 1960, in Category I of the Award of the All India Industrial Tribunal (Colliery Disputes). In paragraph 2 of the said written statement, it was further pleaded that in February 1966, the workman appeared at a trade test and as a result thereof he was promoted and given the designation of a turner and posted in the workshop of the colliery in category V of the Colliery Disputes Award. In paragraph 3 of the said written statement, it was pleaded:

"Later, in January 1967 another trade test of the workman was taken and he was promoted to category VI of colliery workshop machinists when he passed the test."

In paragraph 4 of the said written statement, it was further pleaded:

"The designation of a turner as given to Sri Sutradhar when he was first placed in category V as stated above, did not properly represent the actual work he was called upon to do. The Coal Award also did not classify any workman working in a colliery workshop as a turner. Sri Sutradhar should then have been properly designated as a colliery workshop machinist. He had always worked as such and had never worked as a turner. The Coal Award had placed colliery workshop machinist in categories V, VI, VIII and IX. The workman was thus promoted from fitter mazdoor of category I to the post of a colliery workshop machinist in category V after he was found fit in the trade test to be placed in category V."

In paragraph 9 of the written statement, it was also pleaded that on the eve of the implementation of the recommendations of the Central Wage Board, the concerned workman was placed in category VI of the Coal Award and that when the recommendations of the Wage Board were implemented he was initially placed in category IV of the recommendations of the Wage Board and subsequently promoted to category V. The management relied upon the notes of categorisation at page 51 in Volume II of the Report of Central Wage Board for Coal Mining Industry, which is set out below:

"10. Colliery Workshop Machinists—At present, they are in the existing Categories V, VI, VIII and IX. Those who are in the Categories V and VI will be placed in the new Category IV (Serial No. 27), and those who are in the Category VIII will be placed in the new Category V (Serial No. 14) and those who are in Category IX should be placed in the new Category VI (Serial No. 5)."

On the above grounds, it was disputed that the workman was entitled to be placed in category V with effect from August 15, 1967 or in category VI as demanded by him.

4. That the workman was at first appointed as a Mechanical Fitter-Mazdoor appears from Ex. 1, the letter of appointment, which was marked by consent. That thereafter he applied to appear at a trade test appears from Exts. 3 and 4, his application for appearance and the permission to appear at the trade test examination, respectively dated January 18, 1966 and January 21, 1966. That he succeeded, as a result of the trade test, appears from Ex. 5, dated February 9, 1966, which I set out below:

"Trade Test Sri S. K. Sutradhar, Mechanical Fitter-mazdur

Reference your above, Sri Sutradhar, Mechanical Fitter-Mazdoor was trade tested at this workshop on 4th and 5th February 1966 and he was found suitable for category V turner

Sd. Illigible,
MSW"

His promotion to the post of turner (Category V) appears from Ex. 6(a) dated February 10, 1966 which also I set out below:

"Promotion—Engineering Staff

....

Sri Sutradhar, Fitter-Mazdoor, who was trade-tested at Sodepur Workshop and he has been found suitable for the job of Turner (Cat. V), may be promoted to Turner (Cat. V) on probation for 6 months on a basic salary of Rs. 34.12 per month."

It also appears from Ex. 10 (also marked by consent) that he was promoted to category VI. The said letter is dated January 28, 1967 and I set out the letter hereinbelow.

"Promotion—Engineering Staff

Sri Sisir Kumar Sutradhar, Turner (Cat. V), who was trade-tested at Sodepur Workshop and has been found suitable for promotion to Category VI, may be promoted to category VI Turner on probation for 6 months on a basic salary of Rs. 35.75 per month."

His promotion to category VI also appears from Ex. A dated January 31, 1967. Lastly, it appears from Ex. 27 that he was trade tested for promotion to Category

VIII and found wanting in the test. The said letter is dated September 11, 1967 and is set out hereinbelow:

"Trade Test—Sri Sisir Kumar Sutradhar, Turner (VI).

With reference to your letter No. DNB/44/2866 of 12th August 1967 the above person was trade tested from 21st August 1967 to 2nd September 1967 and he has been found not suitable for promotion to category VIII. He requires more experience and should know micrometer and vernier reading."

5. Mr. D. Narsingh, learned advocate appearing for the management, submitted that the concerned workman was a colliery workshop machinist and whether in category V or VI, in the status of a machinist, he was at best entitled to be placed in category IV of the Coa. Wage Board recommendations and not any higher category. In this context he strongly relied upon the note of Categorisation in Vol. II p. 51 of the Wage board Report, hereinbefore set out.

6. The first difficulty in the way of this argument is that since after February 1968, the concerned workman, was throughout described in the documents as a turner, for example in Exts. 5, 6(a), 10, 27 and A and B. Mr Narsingh tried to get rid of this difficulty with the argument that the job description referred to the description as in the All India Industrial Tribunal (Colliery Disputes) Award, in which in categories V and VI and the job description of a turner was not included. The only relevant job description to be found in the two categories was that of a Colliery Workshop Machinist, which the concerned workman was. He read to me the evidence of the workman himself who stated in evidence: "Category V indicated in the Ex. B referred to old category under All India Industrial Tribunal (Colliery Disputes) Award". He pointed out that turner/latheman (grade II) was included in the category VII of the said award and not in categories V and VI. He invited my attention to item 266, Appendix XI, Vol. II page 82 of the All India Industrial Tribunal (Colliery Disputes) Award, Volume II, giving the job description of colliery workshop machinist in the following language:

"A workman in a colliery workshop who is capable of performing work with machine tools, such as, drills lathes, shapers, planers, slotting, milling, sawing or welding etc. The tolerances allowed are high."

He submitted that the kind of work done by the concerned workman corresponded to the work done by a colliery workshop machinist. In order to test this argument of Mr. Narsingh I have to find out what is the job description of a turner. The job description of a turner/latheman, Grade II (W) is to be found in Category V, Item 19, Appendix V, Volume II at page 49 of the Report of the Central Wage Board for Coal Mining Industry, couched in the following language:

"19 Turner/Latheman (Grade II) (W)—A workman capable of doing any kind of lathe work including the correct choice, grinding and setting of tools. He must have an adequate knowledge of cutting speeds and feeds but is of less skill/experience than a Turner, Grade I.

Similarly, the job description of turner/latheman, grade I(W), is to be found in category VI, Item 7, Appendix V of the said Report at page 50 in the following language:

"7. Turner/Latheman (Grade I) (W) —A workman capable of independently doing any kind of lathe work including correct choice of tools, their grinding and setting. He must have a thorough knowledge of cutting speeds and feeds and be able to read machine drawings and to use precise measuring instruments."

In the oral evidence led, there is divergence of opinion as to the nature of work done by the concerned workman. What is worse, the witness for the management plainly confessed that he did not know the difference between a machinist and a turner grade II. Hereinbelow, I set out the answers given by Ajay Kumar Sen Gupta, the Engineer witness examined by the management:

"To Tribunal

Q: What are the duties of a machinist?

A: There is a small lathe machine which does the work such as the making of a bolt, threading of pipes and small machine components. A machinist turns the machine parts against the lathe to the required sizes.

Q: What are the duties of a turner grade II?

A: I do not remember what are the duties of a turner Grade II

Q: Do you remember the duties of a turner grade I?

A: A turner grade I has to work with lathe independently following the dimensions of a part of a machine given to him in a diagram and also following the measurements therein.

Q: So, you cannot explain the difference between a Machinist and Grade II turner?

A: I cannot explain the difference between a Machinist and a grade II turner

To Tribunal

I did not myself conduct the trade test mentioned in the letter. I find in this letter that Sisir Kumar Sutradhar was described as the Turner. I do not know actually why he is described as a turner in this letter.

Q: Therefore your idea that Sisir Kumar Sutradhar was a Machinist and not a turner is wrong.

A: My idea that Sisir Kumar Sutradhar was a machinist and not a turner grade II may be wrong."

7. Thus on the oral evidence the position may be that the concerned workman may have been a turner grade II. Mr. Narsingh no doubt argued that if he had really been a turner, he should not have been placed in category V of All India Industrial Tribunal (Colliery Disputes) Award and he, therefore, asked me to read "workshop machinist" for "turner" in fitting the workman in the job description in Category V of the Colliery Disputes/ Award. I do not know which is mistaken and which is correct. Regard being had to the state of evidence, I am not prepared to allow the management to take shelter under this hypothesis of mistake. If there has been a mistake made, it may as well be that the mistake was not in description but in number of categorisation. I would rather hold that the workman was a turner and the categorisation was a wrong categorisation under the All India Industrial Tribunal (Colliery Disputes) Award. If he was a turner, he was entitled to be placed in category V of the recommendations of the Central Wage Board for Coal Mining Industry.

8 There is nothing to show that the workman satisfied the superior qualification of a grade I turner. He no doubt said that he could read vernier and micrometer instruments but that part of his evidence is self-serving evidence. He failed in the trade test and that is sufficient for his condemnation.

9 The workman has, pending the dispute, been placed in category V of the Wage Board recommendation with effect from December 1, 1969. He should have, however, been placed in category V with effect from August 15, 1967.

10. I, therefore, hold that keeping in view the recommendations of the Central Wage Board as accepted by the Government of India in their resolution No. WB-16(5)/66 dated the 21st July, 1967, the management of Victoria West Colliery of Messrs New Birbhum Coal Company Limited was not justified in placing Sri Sisir Kumar Sutradhar, Turner, in category IV from 15th August, 1967 and later promoting him to category V from the 1st December, 1969. He should have been placed in category V of the Wage Board recommendation with effect from the 15th August, 1967. Therefore, the relief to which the workman is entitled is that his promotion to category V should be deemed to have been taken effect from August 15, 1967 and he would be entitled to all arrears of wages and emoluments in the scale with effect from that date.

This is my award.

(Sd.) B. N. BANERJEE,

Presiding Officer.

Dated, October 30, 1970.

[No. 6/10/70-LRII.]

S.O. 3785.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal-Cum-Labour Court (No. 3), Dhanabad in the matter of an application under Section 33A of the said Act, filed by Shri Sobhi Hazam, Line Mazdoor of Balihari Colliery of Messrs Balihari Colliery Central Government Industrial Tribunal-Cum-Labour Court (No. 3), Dhanabad on the 9th November, 1970.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
NO. 3 AT DHANBAD

COMPLAINTS NO. 5 OF 1968

PRESENT:

Shri Sachidanand Sinha, M.A.M.L., Presiding Officer.

PARTIES:

Shri Sobhi Hazam, Line Mazdur M/s. Balihari Colliery Co. (P) Ltd,
Complainant.

AND

M/s. Balihari Colliery Co. (P) Ltd.,... *Opp. Party.*

APPEARANCES:

For Complainant.—Shri S. V. Achariar, General Secretary and Shri J. Bhat-tacharya. Executive Committee Member of Khan Mazdoor Sangh.

For Opp. Party.—S/Shree S S Mokherjee and B. Joshi, Advocates.

INDUSTRY: Coal

STATE: Bihar.

Dhanbad, Dated the 31st October 1970

AWARD

1. This is a complaint under Section 33A of the Industrial Disputes Act, 1947 by one Shri Sobhi Hazam, Line Mazdur against the employer in relation to Balihari Colliery of M/s. Balihari Colliery Co. (P) Ltd., alleging that the oppo-site party has been guilty of contravention of the provisions of Section 33 of the Industrial Disputes Act, 1947.

2. The opposite party filed its rejoinder on the 27th December, 1968. They examined two witnesses and also filed 14 documents which were marked Ext. M-1 to M-14. Nine documents were filed on behalf of the workmen and they were marked as Ext. W-1 to W-9. Workmen further submitted that they have no witness to examine.

3. However, on 28th October, 1970 when the matter was fixed for arguments Shri Sobhi Hazam appeared in person and submitted that he is not interested in pursuing the matter further and that since the management agrees (1) to pay to him his wages for the period of his suspension beyond 10 days i.e., from the date of suspension till the date of his dismissal and (2) to forward his appli-cation to the Coal Mines Provident Fund Commissioner for withdrawal of his Provident fund deposits he prayed that a 'NO DISPUTE' award in the matter be passed. Shri Sobhi Hazam, the complainant also filed a petition to the above effect which has been verified by Shri S. V. Achariar, General Secretary, Hindustan Khan Mazdoor Sangh and Shri S. S. Mukherjee, Advocate the representative of the Opposite party and also by the complainant himself.

4. In view of the above and the statement on oath by the complainant himself that he was making this agreement on his own accord. I need not discuss in details respective stands taken by the parties earlier and find that no more dispute exists between the parties and make a 'NO DISPUTE' award in the matter.

This is my award. Let this be submitted to the Central Government

(Sd.) SACHIDANAND SINHA,
Presiding Officer.

BEFORE THE HON'BLE PRESIDING OFFICER, CENTRAL GOVT. INDUS-
TRIAL TRIBUNAL-CUM-LABOUR COURT NO. 3, AT DHANBAD

COMPLAINT NO. 5 OF 1968

PARTIES:

Shri Sobhi Hazam, Line Mazdur *Compl*

Vs.

M/s. Balihari Colliery Co. (P) Ltd *Opp. Party.*

The complainant above named beg to submit as follows

1. That Shri Sobhi Hazam, the complainant is no longer interested in further persuance of the above Complaint and begs to withdraw the same.

- 2 That the opposite party will pay the complainant his wages for the period of suspension beyond 10 days from the date of suspension till the date of dismissal namely from 17th April 1967 to 28th July 1967
- 3 That the opposite party will also duly forward the application to the Commissioner for withdrawal of his P F deposit

It is therefore humbly prayed that this prayer of the complainant may kindly be accepted and a 'NO DISPUTE' award be passed in this Complaint No 5 of 1968

For the Complainant

Sd/-

1 (Sd) SOBHI HA/AM

Sd/-

(Sd) S V ACHARIAR
General Secretary,

Agreed

Hindustan Khan Mazdur Sangh
Dhanbad

(Sd) S S MUKHERJEE

Advocate

For Bahhari Colliery Co (P) Ltd

[No 8/200/70 LR II]

P C MISRA, Under Secy

(Department of Labour and Employment)

New Delhi the 17th November 1970

S.O. 3786—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Chandigarh in the industrial dispute between the employers in relation to the Bank of Baroda and their workmen, which was received by the Central Government on the 10th November 1970

BEFORE SHRI P P R SAWHNEY, B A (HONS) CANTAB BAR-AT-LAW,
PRESIDING OFFICER CENTRAL INDUSTRIAL TRIBUNAL,
CHANDIGARH

REFERENCE NO 3/C OF 1970

BETWEEN

The workmen and the management of the Bank of Baroda Ltd

APPEARANCES

Shri S N Goyal concerned workman with Shri Ved Vyas

Shri K K Khulani and Shri R N Rai for the respondent Bank

AWARD

An industrial dispute, regarding the matter specified below having arisen between the workmen and the management of the Bank of Baroda Ltd, the Government of India Ministry of Labour Employment, and Rehabilitation referred the same to this Tribunal for adjudication *vide* Department of Labour and Employment Notification No 23/122/LR III dated 11th May, 1970—

Whether the action of the management of Bank of Baroda in dismissing Shri S N Goel a clerk of Civil Lines, Branch, Jullundur of the Bank, was justified? If not, to what relief is he entitled?

2 Usual notices were issued to the parties, the concerned workmen put in his statement of claim and the management their written statement

3 In the written statement a preliminary objection was taken that no demand in respect of Shri S N Goyal was made upon the management, that there was no industrial dispute, that the reference made by the Government was incompetent, that the statement of claim had been filed by the Punjab Bank Workers

Organisation which did not represent a substantial number of workers of the Bank of Baroda, Jullundur city, and that the said Organisation had no *locus standi* to raise the dispute.

4. On the pleading of the parties, the following issues were framed:--

Preliminary:

- (1) Whether the instant dispute is not an industrial dispute as envisaged by the Industrial Disputes Act, 1947, in the absence of a demand having been made by the concerned workman, Shri S. N. Goyal as alleged by the respondent Bank?
- (2) Whether the statement of claim filed by the Punjab Bank Workers Organisation is to be ignored for the reason that it does not represent a substantial number of workmen of the Bank of Baroda, Jullundur and it had no *locus standi* to raise the dispute as alleged by the management?

On merits:

- (3) Whether there has not been a proper and fair enquiry and whether there has been violation of principles of natural justice?
- (4) (The same as the term of reference).

5. The management have examined only one witness, Shri D. J. Sen Gupta, their Joint Regional Manager in respect of the preliminary issues. He has stated that he dealt with the staff matters in relation to the branches in the region, including Punjab, that the management did not receive any notice of demand from Shri Goyal, concerned workman, or from the union regarding reinstatement of Shri Goyal, that the union had filed a statement of claim directly with the Assistant Labour Commissioner, Chandigarh sometime in May, 1969 and it was then that they came to know for the first time about the demand relating to Shri S. N. Goyal, and that he did not remember whether in the reply to the charge-sheet Shri Goyal had asked for reinstatement against whom an enquiry was held, or that after Shri Goyal had put in reply to the charge-sheet, he had asked for being reinstatement.

6. Shri Goyal has examined himself as the only witness, and has stated that after receiving the charge sheet from the respondent management he submitted a reply and prayed that he be reinstated, that after the management had passed orders terminating his services, he had filed an appeal to the appellate authority, praying for reinstatement, which was rejected,

that he again approached the respondent bank authorities i.e. Shri D. J. Sen Gupta, Joint Regional Manager, but his request was not acceded to,

that he thereafter approached the Punjab Bank Workers Union of which he was a member to take up his case before the Conciliation Officer, Jullundur where the respondent bank had been represented and he had there too pressed that he be taken back in service by that Bank and that he demanded that he should be reinstated and paid full back wages.

He has also stated that after the orders relating to rejection of his appeal had been communicated to him, he did not personally serve any demand notice on the respondent bank or reduce into writing his demand, and send it to any authority, and that he personally approached the bank authorities to take him back in service.

7. As regards the first preliminary issue, the concerned workman has admitted that after his appeal had been rejected by the appellate authority and the orders had been communicated to him to that effect, he had not personally served any demand notice upon the respondent bank and that he had not reduced into writing his demand and send it to any authority.

Besides Shri D. J. Sen Gupta has also stated that no demand notice was served upon the respondent bank by Shri Goyal. Shri Goyal has no doubt taken up the position that he had approached personally the bank authorities, i.e., Shri D. J. Sen Gupta and asked him to take him back in service, but no specific question was put to Shri D. J. Sen Gupta to that effect i.e. that after the appeal had been rejected Shri Goyal had approached him with a request or that he had made such a demand.

8. The fact of the matter is that no demand notice has been produced by the concerned workman or summoned from the management, if any, had been set to the management, and no other documentary evidence has been led in this behalf. It has in fact not been proved by the workmen that any demand was raised by him for his reinstatement to the management.

It may be mentioned that in the replication the workmen has stated "that a demand notice regarding the industrial dispute in question was served upon the management of the respondent bank. Moreover, the management had

received a copy of a demand notice from the Labour Commissioner, Government of India, Ministry of Labour & Employment, New Delhi, after the matter was taken up by the concerned workman and the above mentioned organisation, i.e., Punjab Bank Workers Organisation on his behalf, and that the management had appeared before that authority several times and resisted the said demand, and pleaded that the industrial dispute could not be referred to the Tribunal.

In these circumstances, the contention put forward by the management that no demand in respect of the dispute was made on it is puerile and lacking in validity and also factually wrong."

9. Under section 10 of the Industrial Disputes Act, 1947 the Government is competent to make a reference where a dispute exists or a dispute is apprehended, it is not the case of the concerned workman that a dispute was apprehended and that is why the Government had made a reference, but that it existed on the basis of the demand raised by him. Needless to add that a dispute comes into existence when an aggrieved party makes known his cause of grievance and if the grievance is not redressed or remains unsettled, a dispute comes about, which implies that a demand is a pre-requisite of existence of a dispute. It is, therefore, to be decided from the material that has been placed upon record, whether demand had been made by the concerned workman upon the respondent management, as required under the law

10. The authorised representative of the concerned workman has cited 1952—53 IV—F.J.R.—10 (Allahabad), wherein it has been *inter alia* laid down that when a trade union takes up the case of a dismissed workman, it is not necessary that it must have made any representation to the employer before any industrial dispute can be said to arise between the union and the employer.

Whereas, on the other hand the respondent bank have relied upon 1968—I—L.L.J.—834, and 1970—F.J.R.—Vol.37, page 69

In the former citation it has been laid down that on the facts it was clear that the reference made by the Government was not competent and a mere demand to the Government without a dispute being raised by the workman with their employer cannot become an industrial dispute

In the latter i.e., 1970—F.J.R.—Vol.37—page 69, a decision of Full Bench, following the decision of the Supreme Court in Dindhu Resettlement Corporation Vs. Industrial Tribunal, Gujarat (1967)—33—F.J.R.—332 which seems to be on all fours with the reference in question, it has been laid down that a demand by the workmen must be raised first in the employer and rejected by the employer before any industrial dispute can be said to arise and exist for the purposes of the Industrial Disputes Act, 1947. The making of such a demand on the Conciliation Office and its communication by him to the employer, who rejected the same, would not be sufficient to constitute an "industrial dispute."

11. In the present reference, as in the above referred to citation, the demand notice is not shown to have been served upon the management and the management came to know of the demand when the proceedings were held by the Conciliation Officer. Needless to add that section 12 of the Industrial Disputes Act, 1947 which deals with the duties of the Conciliation Officer, presupposes that an industrial dispute exists or is apprehended, and it does not contemplate that an industrial dispute can arise for the first time during the proceedings before the Conciliation officer, inasmuch as when the parties are unable to settle the dispute amongst themselves, an application is made under sub-section (2) of section 10 of the Industrial Disputes Act, 1947 for reference of the dispute to an authority under the Act by the appropriate Government.

12. The Industrial Disputes (Central) Rule No. 10A may also be referred to in this behalf, which clearly envisages that the parties involved in an industrial dispute should forward a statement setting forth the specific matter in dispute to the Conciliation Officer, and this clearly rules out any oral representation

13. The authorised representative of the management has also by way of an analogy relied upon 1968—I—L.L.J.—555, a Supreme Court decision relating to termination of awards/settlements under section 19(6) of the Industrial Disputes Act wherein it is laid down that the termination or a settlement should be put in writing as the date in such cases is material, and on its basis it has been maintained that likewise in the case of termination of services of an individual workman the date is equally material, and unless a demand was to be made in writing, the date could not be definitely ascertained.

14. In view of the full Bench authority of the Delhi High Court, 1970—37—F.J.R.—69, the demand raised by the concerned workman upon the management,

being before the Conciliation Officer, the citation relied upon by Shri S. N. Goyal, i.e., 1952-53—IV—F.J.R.—479, is hardly of any avail as no demand appears to have been made earlier upon the management and the oral testimony of Shri Goyal cannot by itself be relied upon, as according to him he had not served the management with any demand notice in writing. Under these circumstances it is held that the instant dispute is not an "industrial dispute" as envisaged by the Industrial Disputes Act, 1947, in the absence of any demand notice having been given by Shri S. N. Goyal, concerned workman, as alleged by the respondent bank.

15. In this connection it may also be added that the charge-sheet was served upon Shri Goyal on 31st July, 1965 to which he sent a reply and his appeal was dismissed on 26th November, 1966, proceedings were held before the Conciliation officer in 1967, and the reference has been made on 9th May, 1970, and there is no explanation why the reference is so very belated.

16. Having decided the preliminary issue No. 1 in favour of the management of the respondent bank, it is hardly necessary to go into details of preliminary issue No. 2. It may, however, be mentioned in this behalf that under section 2A of the Industrial Disputes Act, 1947 a dispute can be raised by an individual workman and it need not be espoused by a union.

17. In the present case, however, the dispute had been raised by a union on behalf of Shri Goyal. No doubt Shri D. J. Sen Gupta has stated that they had two other unions which ordinarily espoused the cause of their workmen, but that by itself could not be taken up as a bar to the Punjab Bank Workers Union espousing the dispute which had espoused the cause of the concerned workman.

It is accordingly held that there is no force in the objection taken by the respondent bank and this preliminary issue is decided against them.

18. Having already held that the instant dispute is not an industrial dispute, as envisaged by the Industrial Disputes Act, 1947 in the absence of any demand having been made by the concerned workman, Shri S. N. Goyal, on the respondent bank, the Government were not competent to refer the dispute to the Tribunal for adjudication and the reference is disposed of accordingly.

Th parties, are however, left to bear their own costs.

The 25th October 1970.

(Sd.) P. P. R. SAWHNEY,
Presiding Officer,
Industrial Tribunal (Central),
Chandigarh.

[No. 23/122/69/LRIII.]

No. 1652

Dated, Chandigarh, the 2nd November 1970

Award in quadruplicate forwarded to Under Secretary, Government of India, Ministry of Labour, Employment and Rehabilitation, (Department of Labour and Employment), New Delhi as required under section 15 of the Industrial Disputes Act, 1947.

ORDERS

New Delhi, the 19th November 1970

S.O. 3787.—Whereas an industrial dispute exists between the employers in relation to the Central Bank of India, and their workmen represented by the Central Bank of India Workers Union (Punjab), Amritsar;

And whereas the said employers and workmen have, under sub-section (1) of Section 10A of the Industrial Disputes Act, 1947 (14 of 1947) agreed to refer the dispute to arbitration by arbitration agreement and have forwarded to the Central Government under sub-section (3) of section 10A of the said Act a copy of the said arbitration agreement,

Now therefore, in pursuance of sub-section (3) of section 10A of the said Act the Central Government hereby publishes the said arbitration agreement which was received by it on 31st October, 1970

Agreement

Agreement Under Section 10-A of the Industrial Dispute Act 1947

NAME OF PARTIES

Representing employers—Shri R P Malhotra Chief Agent Central Bank of India Amritsar

Representing workman—Shri S K Beri General Secretary Central Bank of India Workers Union (Punjab), Kattrā Charat Singh Gali Zargran Amritsar

It is hereby agreed between the parties to refer the following Industrial Dispute to the Arbitration of Shri V P Gupta Regional Labour Commissioner (Central) Kanpur .

(i) Specific Matter in Dispute

Whether the denial of officiating chances as Special Assistant to Shri S K Beri Clerk Civil Lines Central Bank of India, Amritsar Branch by the management on 21st January 1970 and on subsequent occasions till 1st May 1970 is justified? If not to what relief he is entitled?

(ii) Details of the parties to the dispute including the name and address of the establishment or undertaking involved

Central Bank of India Workers Union (Punjab) Amritsar (Chief Agent Central Bank of India Amritsar

(iii) Name of the Union if any representing the workman in question

Central Bank of India Workers Union (Punjab) Amritsar

(iv) Total number of workmen employed in the undertaking affected—30

(v) Estimated number of workmen affected or likely to be affected by the dispute—1

We further agreed that the decision of the Arbitrator shall be binding on us

The arbitrator shall make his award within the period of two months or within such further time as is extended by mutual agreement between us in writing. In case the award is not made within the period aforementioned the reference to arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitration

Representing employer

(Sd) R P MALHOTRA,

16/10/70

Chief Agent CBI Amritsar

Representing workmen

(Sd) S K BERI

16/10/70

General Secretary CBI Workers
Union (Punjab) Kattrā Charat Singh
Gali Zargran Amritsar

Witnesses —

1 (Sd) Illegible

2 (Sd) Illegible

16/10/70

श्रम रोजगार और पुनर्वास मंत्रालय

(श्रम और रोजगार विभाग)

आवेद

नई दिल्ली, 19 नवम्बर, 1970

का० आ० 3787 — यतः सैन्ट्रल बैंक आफ इंडिया में सम्बद्ध नियोजकों और उनके कर्मकारों, जिनका प्रतिनिधित्व सैन्ट्रल बैंक आफ इंडिया वर्कर्स यूनियन (पंजाब), अमृतसर करती है, के बीच एक औद्योगिक विवाद विद्यमान है ;

और यतः उक्त नियोजकों और कर्मकारों ने औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10-क की उपधारा (1) के अर्थात् माध्यस्थम् करार द्वारा इस विवाद को माध्यस्थम् के लिए निर्देशित करने का करार कर लिया है और उक्त माध्यस्थम् करार की एक प्रति उक्त अधिनियम की धारा 10-क की उपधारा (3) के अधीन केन्द्रीय सरकार को भेजी है ;

अतः अब, उक्त अधिनियम की धारा 10-क की उपधारा (3) के अनुसरण में केन्द्रीय सरकार उक्त माध्यस्थम् करार को, जो उसे 31 अक्टूबर, 1970 को मिला था, एतद्द्वारा प्रकाशित करती है ।

करार

प्रहस ग

औद्योगिक विवाद अधिनियम, 1947 की धारा 10-क के अधीन करार

पक्षकारों के नाम

नियोजकों का प्रतिनिधित्व करने वाले

श्री आर० पी० महात्रा, मुख्य अभिकर्ता, सैन्ट्रल बैंक आफ इंडिया, अमृतसर

कर्मकारों का प्रतिनिधित्व करने वाले

श्री एम० के० बेरी, महासचिव, सैन्ट्रल बैंक आफ इंडिया वर्कर्स यूनियन (पंजाब) कटरा चरत सिंह, गली जगगुरान, अमृतसर

पक्षकारों के बीच निम्नलिखित औद्योगिक विवाद को एतद्द्वारा श्री बी० पी० गुप्ता, प्रादेशिक श्रम आयुक्त (सी) कानपुर के माध्यस्थम् के लिए निर्देशित करने का करार किया गया है ।

(i) विनिर्दिष्ट विवादग्रस्त विषय :—

“क्या प्रबन्धतंत्र द्वारा श्री एम० के० बेरी, लिपिक, सिविल लाइन्स, सैन्ट्रल बैंक आफ इंडिया, अमृतसर शाखा को 21-1-70 को और पश्चात्पूर्ति अवसरों पर 1-5-70 तक विशेष सहायक के रूप में स्थानापन्न के अवसर देने से इंकार करना न्यायोचित है ? यदि नहीं तो वह किस अनुतोष का हकदार है ?”

(ii) विवाद के पक्षकारों का विवरण जिसमें अन्तर्बलित स्थान या उपक्रम का नाम और पता भी सम्मिलित है

सैन्ट्रल बैंक आफ इंडिया वर्कर्स यूनियन (पंजाब), अमृतसर । मुख्य अभिकर्ता, सैन्ट्रल बैंक आफ इंडिया, अमृतसर

- (iii) यदि कोई सध प्रश्नगत कर्मकारों का प्रतिनिधित्व करता हो तो उसका नाम सेंट्रल बैंक ऑफ इंडिया वर्कर्स यूनियन (पंजाब), अमृतसर।
- (iv) प्रभावित उपक्रम में नियोजित कर्मकारों की कुल संख्या :—30
- (v) विवाद द्वारा प्रभावित या संभाव्यतः प्रभावित होने वाले कर्मकारों की प्राक्कलित संख्या :—

हम यह करार भी करते हैं कि मध्यस्थ का विनिश्चय हम पर आबद्धकर होगा।

मध्यस्थ अपना पंचाट दो मास की कालावधि के भीतर या इतने और समय के भीतर जो हमारे बीच पारस्परिक लिखित करार द्वारा बढ़ाया जाय, देगा। यदि ऊपर वर्णित कालावधि के भीतर पंचाट नहीं दिया जाता तो माध्यस्थम के लिए निर्देश स्वतः रद्द हो जाएगा और हम नए माध्यस्थम के लिए बातचीत करने को स्वतः होंगे।

नियोजकों का प्रतिनिधित्व करने वाले

ह०/—

(आर० पी० मल्होत्रा)

मुख्य अभिकर्ता, सै० बैं० इ०, अमृतसर

कर्मकारों का प्रतिनिधित्व करने वाले

ह०/—

(एम० के० बेरी, महासचिव),

सै० बैं० इ० वर्कर्स यूनियन (पंजाब)

कटरा चरत सिंह, गली जरगरान,

अमृतसर।

साक्षी :

1. ह०/—

2. ह०/—

[संख्या 24/37/70-एल० आर०-3]

New Delhi, the 20th November 1970

S.O. 3788.—Whereas an industrial dispute exists between the employers in relation to the Central Bank of India and their workmen represented by the Central Bank of India Workers Union (Punjab), Amritsar;

And, whereas the said employers and workmen have, under sub-section (1) of Section 10A of the Industrial Disputes Act, 1947 (14 of 1947), agreed to refer the dispute to arbitration by arbitration agreement and have forwarded to the Central Government under sub-section (3) of section 10A of the said Act a copy of the said arbitration agreement;

Now, therefore, in pursuance of sub-section (3) of section 10A of the said Act, the Central Government hereby publishes the said arbitration agreement which was received by it on the 31st October, 1970.

Agreement

Agreement Under Section 10-A of the Industrial Dispute Act 1947

NAME OF PARTIES:

Representing employers.—Shri R. P. Malhotra, Chief Agent, Central Bank of India, Amritsar.

Representing workmen.—Shri S. K. Beri, General Secretary, Central Bank of India Workers Union, (Punjab), Kattria Charat Singh, Gali Zargran, Amritsar.

It is hereby agreed between the parties to refer the following Industrial Dispute to the Arbitration of Shri V. P. Gupta, Regional Labour Commissioner (Central), Kanpur.

(i) *Specific Matter in Dispute*

"Whether the termination of service of Shri Draj Singh, Peon Sultanwind road, Amritsar Branch of the Central Bank of India by the Management with effect from 7th November, 1968 is justified? If not, to what relief he is entitled?"

(ii) *Details of the parties to the dispute including the name and address of the establishment or undertaking involved*

Central Bank of India Workers Union (Punjab), Amritsar Chief Agent, Central Bank of India, Amritsar.

(iii) *Name of the Union, if any, representing the workmen in question*

Central Bank of India Workers Union (Punjab), Amritsar.

(iv) *Total number of workmen employed in the Undertaking affected—30.*

(v) *Estimated number of workmen affected or likely to be affected by the dispute—1.*

We further agreed that the decision of the Arbitrator shall be binding on us.

The arbitrator shall make his award within the period of two months or within such further time as is extended by mutual agreement between us in writing. In case the award is not made within the period aforementioned, the reference to arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitration.

Representing employer

(Sd.) R. P. MALHOTRA,
16/10/70

Chief Agent, Central Bank of India
Amritsar.

Representing workman

(Sd.) S. K. BERI,
16/10/70

General Secretary, C.B.I. Workers Union
(Punjab) Kattr Charat Singh, Gali
Zargran, Amritsar.

Witnesses:

1. (Sd.) Illegible.

2. (Sd.) Illegible.
16/10/70.

[No. 24/38/70/LRIII.]

S. S. SAHASRANAMAN, Under Secy.

नई दिल्ली, 20 नवम्बर, 1970

का० आ० 3788:—यतः सैन्ट्रल बैंक आफ इंडिया से सम्बद्ध नियोजकों और उनके कर्मकारों, जिनका प्रतिनिधित्व सैन्ट्रल बैंक आफ इंडिया वर्कर्स यूनियन (पंजाब), अमृतसर करती है, के बीच एक औद्योगिक विवाद विद्यमान है ;

और यतः उक्त नियोजकों और कर्मकारों ने औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10-क की उपधारा (1) के अधीन माध्यस्थम करार द्वारा इस विवाद को माध्यस्थम के लिए निर्देशित करने का करार कर लिया है और उक्त माध्यस्थम करार की एक प्रति उक्त अधिनियम की धारा 10-क की उपधारा (3) के अधीन केन्द्रीय सरकार को भेजी है ;

अतः, अब, उक्त अधिनियम की धारा 10-क की उपधारा (3) के अनुसरण में केन्द्रीय सरकार उक्त माध्यस्थम करार को, जो उसे 31 अक्टूबर, 1970 को मिला था, एतद्द्वारा प्रकाशित करती है ।

करार

प्रथम

श्रीयोगिक विवाद, अधिनियम, 1947 की धारा 10-क के अधीन करार
पक्षकारों के नाम

नियोजकों का प्रतिनिधित्व :
करने वाले

श्री आर० पी० मल्होत्रा,
मुख्य अभिकर्ता, सेंट्रल बैंक आफ
इंडिया, अमृतसर

कर्मकारों का प्रतिनिधित्व करने वाले

श्री एस० के० बेरी, महासचिव
सेंट्रल बैंक आफ इंडिया वर्कर्स
यूनियन (पंजाब) कटरा चरतसिंह,
गली जरगरान, अमृतसर ।

पक्षकारों के बीच निम्नलिखित श्रीयोगिक विवाद को एतद्द्वारा श्री बी० पी० गुप्ता, प्रादेशिक
स्वयं आयुक्त (सी) कानपुर के माध्यस्थ के लिए निर्देशित करने का करार किया गया है ।

(i) विनिर्दिष्ट विवादग्रस्त विषय :—

“क्या श्री दिराज सिंह, चपरासी, सेंट्रल बैंक आफ इंडिया, सुल्तानविड राड, अमृतसर
शाखा, की सेवा को प्रबन्धतंत्र द्वारा 7-11-68 से समाप्त किया जाना
न्यायोचित है ? यदि नहीं तो वह किस अनुतोष का हकदार है ?”

(ii) विवाद के पक्षकारों का विवरण जिसमें प्रान्तलित स्थापन या उपक्रम का नाम
और पता भी सम्मिलित है ।

सेंट्रल बैंक आफ इंडिया वर्कर्स यूनियन (पंजाब), अमृतसर ।

मुख्य अभिकर्ता, सेंट्रल बैंक आफ इंडिया, अमृतसर ।

(iii) यदि कोई संघ प्रश्नगत कर्मकारों का प्रतिनिधित्व करता हो तो उसका नाम

सेंट्रल बैंक आफ इंडिया वर्कर्स यूनियन (पंजाब), अमृतसर ।

(iv) प्रभावित उपक्रम में नियोजित कर्मकारों की कुल संख्या :—30

(v) विवाद द्वारा प्रभावित या संभाव्यतः प्रभावित होने वाले कर्मकारों की प्राकृतिक
संख्या :—1

हम यह करार भी करते हैं कि माध्यस्थ का विनिश्चय हन पर प्राबल्यकार होगा

माध्यस्थ अपना पंचाट दो मास का कालाधिक के भीतर या इन्ने प्रौर पन्ध के भीतर जो इन
बीच पारस्परिक लिखित करार द्वारा बढ़ायाजाय, देगा । यदि ऊपर वन कालाधिक के भीतर पंचा

नहीं दिया जाता तो माध्यस्थ्य के लिए निर्देश स्वतः रद्द हो जाएगा और हम नए माध्यस्थ्य के लिए बातचीत करने को स्वतंत्र होंगे।

नियोजकों का प्रतिनिधित्व करने वाले

(ह० आर० पी० मल्होत्रा)

मुख्य अभिकर्ता, सें० बें० ई० अमृतसर।

कर्मकारों का प्रतिनिधित्व करने वाले

ह०।-.....

(एस० के० बेरी),

महासचिव,

से० बें० ई० वर्कर्स यूनियन (पंजाब)

कटरा चरत सिंह, गली जरगरान,

अमृतसर।

साक्षी :

1. ह०/-

2. ह०/-

[सं 24/38/70/एल०आर० 3]

16-10-70

[एस० एस० सहस्रनामान अवर सचिव]

(Department of Labour and Employment)

New Delhi, the 21st November 1970

S.O. 3789.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 29th day of November, 1970 as the date on which the provisions of Chapter IV (except sections 44 and 45 which have already been brought into force) and Chapters V and VI [except sub-section (1) of section 76 and sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Uttar Pradesh namely:—

Gorakhpur consisting of revenue villages of:—

Mahadeo Jharkhandi No. 1, Chak Jalal, Chargawan, Gharpurwa, Rasulpur, Purdilpur, Chaura Khas or Chauri Chaura, Purana Gorakhpur, Arazi Platan, Arazi Chhawani, Mahadeo Jharkhandi No. 2 (Monaddipur), Jatepur Bakshipur, Pargana Haveli Revenue village Nansarb, Pargana Bhawapur, Tehsil Sadar, District Gorakhpur.

[No. F. 604(7)/70-HI.]

DALJIT SINGH, Under Secy.

(अम और रोजगार विभाग)

नई दिल्ली, 21 नवम्बर, 1970

का० आ० सं० 3789.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा नवम्बर, 1970 के उन्तीसवें दिन को उस तारीख के रूप में नियत करती है जिसको उक्त अधिनियम के अध्याय 4 (धारा 44 और 45 के सिवाय जो पहले ही प्रवृत्त की जा चुकी हैं) और अध्याय

5 और 6 [धारा 76 की उपधारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी हैं] के उपबंध उत्तर प्रदेश राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे अर्थात्—
गोरखपुर, जिसमें—

महादेव झारखंडी सं० 1, चक जलाल, चरगांव, घरपुरवा, रसूलपुर, पुरदिलपुर, चौरा खास या चौरा, पुराना गोरखपुर, अराजी प्लातन, अराजी छावनी, महादेव झारखंडी सं० 2 (मोनदीनपुर), जाटेपुर, बख्शीपुर, परगना हवेली राजस्व ग्राम ननतर्ब, परगना भावपुर, तहसील सदर, राजस्व, ग्राम, जिला गोरखपुर हैं।

[सं० फाइल 604(7)/70-एच आई०]

(वलजीत सिंह, ड्रॉर सचिव।)

MINISTRY OF FINANCE (Department of Expenditure)

New Delhi, the 6th November 1970

S.O. 3790.—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution, and of all other powers enabling him in this behalf, the President, after consultation with the Comptroller and Auditor General of India in respect of persons employed in the Indian Audit and Accounts Department, hereby makes the following rules further to amend the General Provident Fund (Central Services) Rules, 1960, namely:

1. (1) These rules may be called the General Provident Fund (Central Services) Sixth Amendment Rules, 1970.

(2) They shall come into force on the date of their publication in the official Gazette.

2. In rule 32 of the General Provident Fund (Central Services) Rules, 1960 for the existing proviso the following shall be substituted, namely:—

“Provided that the subscriber, if he returns to duty, shall, except where the Government decides otherwise, repay to the fund, for credit to his account the whole or part of any amount paid to him from the Fund in pursuance of this rule with interest thereon at the rate provided in rule 11 in cash or securities or partly in cash and partly in securities, by instalments or otherwise, by recovery from his emoluments or otherwise, as may be directed by the authority competent to sanction an advance for the grant of which, special reasons are required under sub-rule (2) of rule 12.”

[No. 8128-EV/70.]

MEHAR SINGH, Under Secy.

(Department of Banking)

New Delhi, the 4th November 1970

S.O. 3791.—In pursuance of clause (a) of sub-section (1) of section 20 of the Agricultural Refinance Corporation Act, 1963 (10 of 1963), the Central Government hereby fixes 5 3/4% (Five and three-fourths per cent) per annum as the rate of interest payable on the bonds of Rs. 7.75 crores to be issued at par with a maturity period of 12 years by the Agricultural Refinance Corporation.

[No. F. 14/42/70-SB.]

K. RAMAMURTHY, Jt. Secy.

वित्त मंत्रालय

(बैंकिंग विभाग)

नई दिल्ली, 4 नवम्बर, 1970

क्रा० प्रा० 379 i.—कृषि पुनर्वित्त निगम अधिनियम, 1963 (1963 के दसवें अधिनियम) की धारा 20 की उपधारा (1) के खंड (क) के अनुसार केन्द्रीय सरकार 7.75 करोड़ रुपये के उन बाण्डों पर दिये जाने वाले व्याज की दर एतद्द्वारा $5\frac{3}{4}$ प्रतिशत (पौने छः प्रतिशत) प्रतिवर्ष निर्धारित करती है जिन्हें कृषि पुनर्वित्त निगम 12 वर्ष की मीयाद के लिए सममूल्य पर जारी करने वाला है।

[संख्या एक० 14/42/70-एस० बी०]

के० राममूर्ति, संयुक्त सचिव।

(Department of Banking)

New Delhi, the 11th November 1970

S. O. 3792.—Statement of the Affairs of the Reserve Bank of India, as on the 30th October, 1970.

BANKING DEPARTMENT

LIABILITIES		Rs.	ASSETS		Rs.
Capital Paid Up		5,00,00,000	Notes		22,96,61,000
Reserve Fund		150,00,00,000	Rupee Coin		3,49,000
National Agricultural Credit (Long Term Operations) Fund		172,00,00,000	Small Coin		5,76,000
			Bills Purchased and Discounted :—		
			(a) Internal . . . . .		..
			(b) External . . . . .		..
			(c) Government Treasury Bills		3,95,25,000
National Agricultural Credit (Stabilisation) Fund		37,00,00,000	Balances held Abroad*		120,91,97,000
			Investments**		93,84,89,000
National Industrial Credit (Long Term Operations Fund)		95,00,00,000	Loans and Advances to :—		
			(i) Central Government . . . . .		..
			(ii) State Governments@		179,88,20,000
Deposits :—			Loans and Advances to :—		
(a) Government			(i) Scheduled Commercial Banks†		150,52,85,000
(i) Central Government		93,77,33,000	(ii) State Co-operative Banks††		274,34,66,000
			(iii) Others		3,13,85,000

		Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund :—	
(ii) State Governments	6,84,04,000	(a) Loans and Advances to :—	
		(i) State Governments	34,37,52,000
		(ii) State Co-operative Banks	21,50,00,000
		(iii) Central Land Mortgage Banks . . . . .	..
(b) Banks		(b) Investment in Central Land Mortgage Bank Debentures	9,57,02,000
		Loans and Advances from National Agricultural Credit (Stabilisation) Fund :—	
(i) Scheduled Commercial Banks	18,14,05,000		
(ii) Scheduled State Co-operative Banks	7,82,78,000	Loans and Advances to State Co-operative Banks	5,10,67,000
(iii) Non-Scheduled State Co-operative Banks	81,09,000	Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund:—	
(iv) Other Banks	29,73,000	(a) Loans and Advances to the Development Bank	26,26,71,000
		(b) Investment in bonds/debentures issued by the Development Bank . . . . .	..
(c) Others	118,95,47,000	Other Assets	32,44,76,000
Bills Payable	52,03,53,000		
Other Liabilities	50,26,19,000		
	Rupees . 978,94,21,000		Rupees . 978,94,21,000

*Includes Cash, Fixed Deposits and Short-term Securities.

**Excluding investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

@Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund but including temporary overdrafts to State Governments.

†Includes Rs. 74,76,25,000 advanced to Scheduled commercial banks against usance bills under section 17(4)(c) of the Reserve Bank of India Act.

††Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 4th day of November, 1970.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 30th day of October 1970.

ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department	22,96,61,000		Gold Coin and Bullion :—		
Notes in Circulation	<u>3943,09,72,000</u>		(a) Held in India	182,53,11,000	
Total Notes issued		3966,06,33,000	(b) Held outside India	..	
			Foreign Securities	<u>366,42,00,000</u>	
			TOTAL		548,95,11,000
			Rupee Coin		59,78,47,000
			Government of India Rupee Securities		3357,32,75,000
			Internal Bills of Exchange and other commercial paper		..
TOTAL LIABILITIES		<u>3966,06,33,000</u>	TOTAL ASSETS		<u>3966,06,33,000</u>

Dated the 4th day of November, 1970.

S. JAGANNATHAN,
Governor.

[No. F. 3(3)-BC/70.]

K. YESURATNAM, Under Secy.

(बैंकिंग विभाग)

नई दिल्ली, 11 नवम्बर, 1970

एस० ओ० 3792.—30 अक्तूबर, 1970 को रिज़र्व बैंक ऑफ इंडिया के बैंकिंग विभाग के कार्यकलाप का विवरण

देयताएं	रुपये	भास्तियां	रुपये
चुक्ता पूंजी	5,00,00,000	नोट	22,96,61,000
भारक्षित निधि	150,00,00,000	रुपये का सिक्का	3,49,000
		छोटा सिक्का	5,76,000
राष्ट्रीय कृषि ऋण	172,00,00,000	खरीदे और धुनाये गये बिल :—	
(दीर्घकालीन क्रियाएं) निधि		(क) देशी . . . . .	..
राष्ट्रीय कृषि ऋण	37,00,00,000	(ख) विदेशी . . . . .	..
(स्विकरण) निधि		(ग) सरकारी खजाना बिल	3,95,25,000
राष्ट्रीय औद्योगिक ऋण	95,00,00,000	विदेशों में रखा हुआ बकाया*	120,91,97,000
(दीर्घकालीन क्रियाएं) निधि		निवेश**	93,84,89,000
जमा-राशियां :—		ऋण और भ्रमिम :—	
(क) सरकारी			
(i) केन्द्रीय सरकार	93,77,33,000	(i) केन्द्रीय सरकार को . . . . .	..
(ii) राज्य सरकारें	6,84,04,000	(ii) राज्य सरकारों को @	179,88,20,000
		ऋण और भ्रमिम :—	
(ख) बैंक		(i) अनुसूचित वाणिज्य बैंकों को†	150,52,85,000
(i) अनुसूचित वाणिज्य बैंक	189,14,05,000	(ii) राज्य सहकारी बैंकों को††	274,34,66,000
(ii) अनुसूचित राज्य सहकारी बैंक	7,82,78,000	(iii) दूसरों को	3,13,85,000
		राष्ट्रीय कृषि ऋण (दीर्घकालीन क्रियाएं) निधि से	
		ऋण, भ्रमिम और निवेश :—	

देयताएं	रुपये	आस्तियां	रुपये
		(क) ऋण और अग्रिम :—	
(iii) गैर अनुसूचित राज्य सहकारी बैंक	81,09,000	(i) राज्य सरकारों को	34,37,52,000
(iv) अन्य बैंक	29,73,000	(ii) राज्य सहकारी बैंकों को	21,50,00,000
		(iii) केन्द्रीय भूमिबन्धक बैंकों को . . . . .	..
(ग) अन्य	118,95,47,000	(ख) केन्द्रीय भूमिबन्धक बैंकों के डिबेंचरों में निवेश राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि से ऋण और अग्रिम	9,57,02,000
देय बिल	52,03,53,000	राज्य सहकारी बैंकों को ऋण और अग्रिम	5,10,67,000
		राष्ट्रीय औद्योगिक ऋण (दीर्घकालीन क्रियाएं) निधि से ऋण, अग्रिम और निवेश :—	
अन्य देयताएं	50,26,19,000	(क) विकास बैंक को ऋण और अग्रिम	26,26,71,000
		(ख) विकास बैंक द्वारा जारी किये गये बांडों/डिबेंचरों में निवेश . . . . .	..
		अन्य आस्तियां	32,44,76,000
रुपये	978,94,21,000	रुपये	978,94,21,000

*नकदी, आवधिक जमा और अल्पकालीन प्रतिभूतियां शामिल हैं।

**राष्ट्रीय कृषि ऋण (दीर्घकालीन क्रियाएं) निधि और राष्ट्रीय औद्योगिक ऋण (दीर्घकालीन क्रियाएं) निधि में से किये गये निवेश शामिल नहीं हैं।

@राष्ट्रीय कृषि ऋण (दीर्घकालीन क्रियाएं) निधि से प्रदत्त ऋण और अग्रिम शामिल नहीं हैं, परन्तु राज्य सरकारों के अस्थायी ओवरड्राफ्ट शामिल हैं।

†रिजर्व बैंक आफ इंडिया अधिनियम की धारा 17 (4) (ग) के अधीन अनुसूचित वाणिज्य बैंकों को मीयादी बिलों पर अग्रिम दिये गये 74,76,25,000/- रुपये शामिल हैं।

††राष्ट्रीय कृषि ऋण (दीर्घकालीन क्रियाएं) निधि और राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि से प्रदत्त ऋण और अग्रिम शामिल नहीं हैं।

तारीख : 4 नवम्बर, 1970 ।

रिज़र्व बैंक ऑफ इंडिया

रिज़र्व बैंक ऑफ इंडिया अधिनियम, 1934 के अनुसरण में अक्तूबर, 1970 की 30 तारीख को समाप्त हुए सप्ताह के लिए लेखा
इशू विभाग

देयताएं	रुपये	रुपये	आस्तियां	रुपये	रुपये
बैंकिंग विभाग में रखे हुए			सोने का सिक्का और बुलियन :—		
नोट	22,96,61,000		(क) भारत में रखा हुआ	182,53,11,000	
संचलन में नोट	3943,09,72,000		(ख) भारत के बाहर रखा हुआ . . . . .	..
			विदेशी प्रतिभूतियां	366,42,00,000	
जारी किए गए कुल नोट		3966,06,33,000	जोड़		548,95,11,000
			रुपये का सिक्का		59,78,47,000
			भारत सरकार की रुपया प्रतिभूतियां		3357,32,75,000
			देशी विनिमय बिल और दूसरे वाणिज्य-पत्र . . . . .		..
कुल देयताएं		3966,06,33,000	कुल आस्तियां		3966,06,33,000

तारीख : 4 नवम्बर, 1970

एस० जगन्नाथन,
गवर्नर ।

[स० एफ० 3 (3)—बी० सी०/70]

के० येसुरत्नम, अनुसचिव ।

(Department of Banking)

New Delhi, the 16th November 1970

S.O. 3793.—In exercise of the powers conferred by section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970), the Central Government, after consultation with the Reserve Bank, hereby makes the following Scheme, namely:—

CHAPTER I

Introductory

1. Short title and commencement.—(1) This Scheme may be called the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions.—In this Scheme, unless the context otherwise requires,—

- (a) “Act” means the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970);
- (b) “Board” means the Board of Directors constituted under clause 3;
- (c) “Chairman”, in relation to a nationalised bank, means the Chairman of the Board of that bank;
- (d) “Director” means a director for the time being of a nationalised bank;
- (e) “nationalised bank” means a corresponding new bank constituted under sub-section (1) of section 3 of the Act;
- (f) “representative Union” means a Union registered under the Trade Unions Act, 1926 (16 of 1926), or a federation of such Unions, where such Union or federation, as the case may be, is certified, after due verification, as having the largest number of workmen employed in the nationalised bank as members who have regularly paid their dues to the Union or to any of the Unions constituting the federation:

Provided that no Union or federation, as the case may be, shall be deemed, for the purposes of this Scheme, to be a representative Union unless the verified membership of such Union or the Unions constituting the federation, as the case may be, is fifteen per cent or more of the total number of workmen employed by the nationalised bank;

- (g) “Schedule” means a Schedule to this Scheme;
- (h) “verification”, with its grammatical variations and cognate expressions, means the verification by the Chief Labour Commissioner (Central) in accordance with the procedure specified in the First Schedule;
- (i) “workman” has the meaning assigned to it in clause (s) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947);
- (j) words and expressions used herein and not defined but defined in the Act have the meanings respectively assigned to them in the Act.

CHAPTER II

Board of Directors

3. Constitution of the Board.—As soon as may be after the commencement of this Scheme, the Central Government shall, by notification in the Official Gazette, constitute the Board of a nationalised bank, consisting of—

- (a) not more than two whole-time Directors, of whom one shall be the Managing Director, to be appointed by the Central Government after consultation with the Reserve Bank;
- (b) (i) one Director, from among the employees of the nationalised bank, who are workmen, to be appointed by the Central Government from out of a panel of three such employees furnished to it by the representative Union, within a date to be specified by the Central Government, which date shall not be more than six weeks from the date of the communication made by the Central Government requiring the representative Union to furnish the panel of names;

Provided that where the Central Government is of opinion that owing to the delay which is likely to occur in the verification and certification of any Union or federation as a representative Union, it is necessary in the interests of the nationalised bank so to do, it may appoint any employee of the nationalised bank, who is a workman, to be a Director of that Bank.

- (ii) (A) where there is no representative Union to represent the workmen of a nationalised bank, or
- (B) where such representative Union, being in existence, omits or fails to furnish any panel of names within the specified date, or
- (C) where all the persons specified in the panel furnished by the representative Union are disqualified, whether under item (iii) of this sub-clause or under clause 10, the Central Government may, at its discretion appoint such workman of the nationalised bank, as it may think fit, to be a Director of such bank;
- (iii) a workman of a nationalised bank shall be disqualified for being appointed as a Director unless—
 - (a) he is, and has been, serving for a continuous period of not less than five years in the nationalised bank or in the existing bank of which the nationalised bank is the corresponding new bank, or partly in one and partly in the other, and
 - (b) he is of such age that there is no likelihood of his attaining the age of superannuation during his term of office as a Director;
 - (c) one Director, from among the employees of the nationalised bank, who are not workmen, to be appointed by the Central Government after consultation with the Reserve Bank;
 - (d) one Director, who, in the opinion of the Central Government, is competent to represent the interests of depositors, to be appointed by the Central Government, after consultation with the Reserve Bank, from among the depositors of the bank;
 - (e) three Directors, who, in the opinion of the Central Government, are competent to represent respectively the interests of farmers, workers and artisans, to be appointed by the Central Government after consultation with the Reserve Bank.
 - (f) not more than five Directors, to be appointed by the Central Government, after consultation with the Reserve Bank, from among persons having special knowledge or practical experience in respect of one or more matters which are likely to be useful for the working of the nationalised bank;
 - (g) one Director who is an official of the Reserve Bank to be appointed by the Central Government on the recommendation of the Reserve Bank;

Explanation.—For the purpose of this sub-clause, 'Reserve Bank' includes the Industrial Development Bank of India established under section 3 of the Industrial Development Bank of India Act, 1964 (18 of 1964).

- (h) one Director who is an official of the Central Government, to be appointed by that Government.

4. Custodians to cease to hold office on constitution of the Board.—On the constitution of the Board every person holding office, immediately preceding such constitution, as the Custodian of nationalised bank, shall cease to hold such office.

5. Chairman.—(1) The Central Government shall after consultation with the Reserve Bank, appoint one of the Directors to be the Chairman of the Board

(2) The Chairman shall preside over the meetings of the Board.

6. Managing Director.—The Managing Director shall be the Chief Executive Officer of the nationalised bank and shall exercise powers and discharge such duties as may be delegated to him by the Board;

Provided that until such delegation is made, the Managing Director shall exercise all such powers and perform all such acts, deeds, and things, as the Custodian was authorised to exercise or perform immediately before the date on which the Board was constituted.

7. Same person may hold office as Chairman and Managing Director.—The Central Government may, after consultation with the Reserve Bank, appoint the same person to hold, at the same time, both the offices of the Chairman and the Managing Director.

8. Term of office and remuneration of a whole-time Director including Managing Director.—(1) A whole-time Director, including the Managing Director, shall devote his whole time to the affairs of the nationalised bank and shall hold office for such term not exceeding five years as the Central Government may, after consultation with the Reserve Bank specify and shall be eligible for reappointment.

(2) A whole-time Director, including the Managing Director, shall receive from the nationalised bank such salary, allowance, fees and perquisites, and be governed by such terms and conditions, as the Central Government may determine, after consultation with the Reserve Bank in the case of first appointment, and after consultation with the Board in the case of any subsequent appointment.

(3) If a whole-time Director, including the Managing Director, is, by infirmity or otherwise, rendered incapable of carrying out his duties or is absent on leave or otherwise in circumstances not involving the vacation of his office, the Central Government may, after consultation with the Reserve Bank, appoint another person to act in his place during his absence.

(4) The Central Government may, if it is satisfied that it is expedient in the interests of the nationalised bank so to do, remove a whole-time Director including the Managing Director from office:

Provided that no such removal shall be made except after—

(a) consultation with the Board, and

(b) giving a reasonable opportunity to the whole-time Director, including the Managing Director, of showing cause against the proposed action.

9. Terms of office of other Directors.—(1) A Director appointed under sub-clause (b), (c), (d), (e) or (f) of clause 3 shall hold office for a period of three years and shall be eligible for reappointment:

Provided that the Central Government may after consultation with the Reserve Bank, remove from office any Director appointed by it under sub-clause (b), (c), (d), (e) or (f) of that clause and appoint in his stead another person to fill the vacancy.

(2) A Director appointed under sub-clause (g) or sub-clause (h) of clause 3 shall hold office during the pleasure of the Central Government.

(3) A Director, whose term of office has expired, shall notwithstanding such expiry, continue to hold office as a Director until his successor has been appointed.

10. Disqualifications of Directors.—A person shall be disqualified for being appointed as, and for being, a Director,—

(a) if he has at any time been adjudicated an insolvent or has suspended payment or has compounded with his creditors; or

(b) if he has been found to be of unsound mind and stands so declared by a competent court; or

(c) if he has been convicted by a criminal court of an offence which involves moral turpitude.

11. Vacation of office of Director etc.—(1) If a Director becomes subject to any of the disqualifications specified in clause 10, or is absent without leave of the Board for more than three consecutive meetings thereof, he shall be deemed to have vacated his office as such and thereupon his office shall become vacant.

(2) The Chairman or a whole-time Director including the Managing Director or a Director appointed under sub-clause (g) or sub-clause (h) of clause 3 may resign his office by giving notice thereof in writing to the Central Government and on such resignation being accepted by that Government shall be deemed to have vacated his office; and any other Director may resign his office by giving notice thereof in writing to the Central Government and such resignation shall take effect on the receipt of the communication of the resignation by the Central Government.

(3) Without prejudice to the provisions of the foregoing sub-clauses, the office of a Director nominated under sub-clause (b) or sub-clause (c) of clause 3 shall become vacant as soon as the Director ceases to be a workman or an employee, other than a workman, of the nationalised bank of which he is a Director, and the office of a Director nominated under sub-clause (d) of clause 3 shall become vacant on such Director ceasing to be a depositor of the nationalised bank of which he is a Director.

(4) Where any vacancy occurs before the expiry of the term of office of a Director, it shall be filled in accordance with clause 3.

(5) A Director nominated under sub-clause (4) in any vacancy in the office of a Director under sub-clause (b), or sub-clause (c) or sub-clause (d) or sub-clause (e) or sub-clause (f) of clause 3 shall hold office for a period of three years.

Provided that a Director, whether appointed under the proviso to item (i), or under item (ii), of sub-clause (b) of clause (3), shall not hold office for more than six months at a time.

(6) Any other Director appointed to fill a vacancy shall, subject to the other provisions of this Scheme, hold office for the period which may be specified by, or during the pleasure of the Central Government.

12. Meeting of the Board.—(1) Meetings of the Board shall ordinarily be held at least six times in a year and at least once in each quarter.

(2) A meeting of the Board shall be held at the head office of the nationalised bank or such other place as the Board may decide.

(3) Ordinarily, not less than fifteen days' notice shall be given of any meeting of the Board and such notice shall be sent to every Director at the address specified by him in this behalf.

(4) No business, other than that for which the meeting was convened, shall be transacted at a meeting of the Board except with the consent of the Chairman of the meeting and a majority of the Directors present, unless one week's notice of such business has been given in writing to the Chairman.

(5) Five Directors shall be the quorum for a meeting of the Board:

Provided that where, by reason of the provision of sub-clause(8), any Director is unable to vote at a meeting, the quorum for such meeting for the transaction of that business shall be four.

(6) If, for any reason, the Chairman is unable to attend a meeting of the Board, the Managing Director shall preside over that meeting and in the absence of the Managing Director or in the event of the Chairman and the Managing Director being the same person, any other Director elected by the Directors present at the meeting from among themselves shall preside at the meeting.

(7) All questions at the meeting shall be decided by a majority of the votes of the Directors present and voting and in the case of equality of votes, the person presiding shall have a second or a casting vote.

(8) A Director who is directly or indirectly concerned or interested in any contract, loan, arrangement or proposal entered into or proposed to be entered into by or on behalf of the nationalised bank shall, as soon as possible after the relevant circumstances have come to his knowledge, disclose the nature of his interest to the Board and shall not be present at the meeting of the Board when any such contract, loan, arrangement or proposal is discussed unless his presence is required by the other Directors for the purpose of eliciting information and no Director so required to be present shall vote on any such contract, loan, arrangement or proposal.

(9) A copy of the proceedings of each meeting of the Board shall be circulated as soon as possible after the meeting for the information of the Directors and shall be signed by the Chairman of that or the next succeeding meeting.

(10) No act or proceeding of the Board shall be invalid on the ground merely of the existence of any vacancy in or any defect in the constitution of the Board.

CHAPTER III

Committees of the Board

13. Management Committee.—(1) There shall be a Management Committee of the nationalised bank.

(2) The Management Committee shall consist of the Chairman, the Managing Director, the Directors appointed under sub-clauses (g) and (h) of clause 3 and not more than four other Directors nominated by the Central Government after consultation with the Reserve Bank:

Provided that the Director nominated by the Central Government shall hold office for not more than one year at a time.

(3) The Management Committee shall exercise such powers as may be delegated to it by the Board with the approval of the Central Government and such approval shall be given by the Central Government after consultation with the Reserve Bank.

(4) Meetings of the Management Committee may ordinarily be held twice in a month.

(5) Four Directors shall be the quorum for a meeting of the Management Committee.

(6) The minutes of a meeting of the Management Committee shall be laid before the Board as soon as possible after the meeting.

(7) The meetings and proceedings of the Management Committee shall be governed by the provisions contained in this Scheme for regulating the meetings and proceedings of the Board, so far as the same are applicable thereto.

14. Advisory Committees.—The Board may constitute such other committees, whether consisting wholly of Directors or wholly of other persons or partly of directors and partly of other persons as it deems fit, to render advice to the Board on such matters as may be generally or specially referred to them and shall perform such duties as the Board may entrust to them.

CHAPTER IV

15. Regional Consultative Committees for Nationalised Banks.—(1) There shall be a Regional Consultative Committee in respect of each of the five regions specified in the Second Schedule.

(2) Each Regional Consultative Committee shall consist of the following members:—

(a) not more than three persons to be nominated by the Central Government,

(b) two representatives from each of the States and one from each of the Union territories included in the respective regions to be nominated by the Government of the State or the Union territory, as the case may be; and

(c) one representative each to be nominated by such of the nationalised banks having offices in the region as may be designated by the Reserve Bank;

(3) Meetings of the Regional Consultative Committees shall be prescribed over by the Minister of Finance or by such Minister or Deputy Minister in the Union Ministry of Finance, as may be nominated by the Minister of Finance.

(4) Each Regional Consultative Committee shall review banking developments within the region and may make such recommendations as it may deem appropriate for the consideration of the Central Government and the Reserve Bank.

CHAPTER V

*Miscellaneous***16 Disqualifications for membership of a Committee constituted under clause 14 or a Regional Consultative Committee and vacation of office by a member —**

(1) A person shall be disqualified for being nominated as, and for being, a member of a committee constituted under clause 14 or of a Regional Consultative Committee if he is or becomes subject to any of the disqualifications specified in clause 10

(2) If a member of a committee constituted under clause 14 or a member of a Regional Consultative Committee becomes subject to any of the disqualifications specified in clause 10, he shall be deemed to have vacated his office and thereupon such office shall become vacant.

(3) A member of a committee constituted under clause 14 or a member of a Regional Consultative Committee may resign his office by giving notice thereof in writing, in the case of a committee constituted under Clause 14 to the Board and in the case of a Regional Consultative Committee to the Chairman of the Regional Consultative Committee of which he is a member and such resignation shall take effect on receipt of communication of the resignation by the Board or the Chairman, as the case may be

(4) The Board may remove any member of a committee constituted under clause 14 and appoint another person in his place.

(5) The authority nominating a member for a Regional Consultative Committee may remove from office such member and appoint another person in his place

17 Remuneration and reimbursement of travelling expenses—(1) A Director, not being the Chairman or a whole-time Director, including the Managing Director, or an official of the Reserve Bank or the Central Government shall be paid by the nationalised bank of which he is a Director, such fees, as may be decided by the Central Government after consultation with the Reserve Bank, for attending the meetings of the Board or of any Committee of the Board or for attending to any other work of the nationalised bank

(2) In addition to the fees to which a Director may be entitled to be paid under sub-clause (1), every such Director travelling in connection with the work of the nationalised bank shall be reimbursed his travelling and halting expenses, if any, on such basis as may be fixed from time to time by the Central Government after consultation with the Reserve Bank

Provided that the Chairman or a whole-time Director, including the Managing Director, or an official of the Reserve Bank or the Central Government shall be reimbursed his travelling and halting expenses on such basis as may be applicable to him under the rules by which he is governed

(3) A member of a committee constituted under clause 14 shall receive such fees and travelling and halting expenses as may be decided by the Board.

(4) A member of a Regional Consultative Committee nominated under item (a) or item (b) of sub-clause (2) of clause 15 shall be reimbursed the travelling and halting expenses, if any, in connection with the work of the Regional Consultative Committee, on such basis as may be fixed by the Central Government after consultation with the Reserve Bank

18 Resolution without meeting of Board valid —A resolution in writing signed by the majority of the members of the Board or of the Management Committee, as the case may be, shall be valid and effectual and shall be deemed to be the resolution passed by the Board or the Management Committee, as the case may be, on the date it was signed, by the last signatory to the resolution:

Provided that any resolution passed as aforesaid shall be placed before the next meeting of the Board or the Management Committee, as the case may be:

Provided further that if any dissenting Director or member requires in writing that any resolution so passed shall be placed before a meeting of the Board or the Management Committee, as the case may be, the resolution shall not be deemed to be valid and effectual as aforesaid unless the same is passed at such meeting.

19. Meeting of advisory committees constituted under clause 14.—The meetings of an advisory committee constituted under clause 14 shall be regulated in such manner as may be decided by the Board.

THE FIRST SCHEDULE

[See clause 2(h)]

SUBJECT:—*Procedure for verification of membership of unions operating in the nationalised banks.*

The managements of the Nationalised Banks will be requested by the Chief Labour Commissioner (Central) to furnish the names and addresses of all the registered unions operating in that respective banks. The particulars of unions received from the managements will be forwarded to the Regional Labour Commissioners concerned for checking up from the records of the Registrars of Trade Unions whether the registration of those unions is still alive and whether there are other registered unions operating in the nationalised banks. The Regional Labour Commissioner will report to the Chief Labour Commissioner (Central) the results of their checking. On receipt of this information, the unions will be requested by the Chief Labour Commissioner (Central) to furnish their membership claims in quintuplicate in the enclosed proforma (Annexure I) by a specified date.

2. The Registered Unions will, thereafter, be allotted amongst Verification Officers for the purposes of physical verification of the membership. The Verification Officer will ask the unions (as in Annexure II) by registered Post Acknowledgement Due to produce before him within ten days at the stipulated place and time a list of their members, in triplicate, in different branches/offices (Bank-wise) who have paid subscriptions for at least three months during the period of six months preceding the date of reckoning which shall be the first of the month just preceding the month in which the Central Government addresses the Chief Labour Commissioner (Central) to undertake the verification along with:—

- (i) Membership-cum-subscription register.
- (ii) Counter-foils of receipts
- (iii) Cash and Accounts Books.
- (iv) Bank books.
- (v) Copy of union's Constitution.
- (vi) Registration Certificate
- (vii) Affiliation certificate and payment receipts if the union is affiliated to any all-India/State Federation/Central Organisation.
- (viii) Copy of the latest annual return submitted to the Registrar of Trade Unions.
- (ix) List of office-bearers, and
- (x) Minutes Book.

3. If a union fails to produce the list of its members and others records, a second and final notice will be given by Registered Post Acknowledgement Due asking it to produce them within ten days at the stipulated place and time. If the union again fails to produce them on the second occasion also, no further attempt will be made to verify its membership. However, in respect of the unions which have submitted the lists and records, the Verification Officer will examine them and ascertain the number of members who had paid three months' subscription within the period of six months preceding the date of reckoning. This examination will be 100 per cent and will be done in the presence of the office-bearers of the union concerned but not in the presence of the office-bearers or representatives of a rival union. While doing the verification of membership, the Verification Officer will give due consideration to any representations which the union officials might make to him.

4. The Verification Officer will, thereafter, visit the Central/Registered Office of the nationalised bank and ensure that the names of members thus verified and included in the list are borne on the rolls of the management on the date of reckoning. All those members whose names are not borne on the rolls of the management on the date of reckoning will be eliminated from the list. The Verification Officer will also obtain the number of persons employed in the respective branches/offices of the bank on the date of reckoning at the time of his visit to the Central/Registered Office of the bank.

5. The Verification Officer will thereafter intimate in writing to the unions¹ Federations of unions concerned that the verified lists of their respective members in the bank are ready for inspection by the union representative at an appointed time and place. The union will also at the same time be informed that after inspection of the verified list of members of the rival union(s), they should send, in writing, their specific objections, if any, to the entries in these list, within 10 days (on a longer period if the number of objections is likely to exceed 10,000 on the basis of one additional day for every 2,000 objections over and above, 10,000) of the date of inspection. It should be made clear to the unions that general and vague objections like inflated membership, etc. will not be considered, the objections should give names of persons whose membership of a union is objected to and the reasons therefor.

(The union representatives will be allowed to make notes from the verified lists shown to them in the presence of the Verification Officer; they will, however, not be allowed to take any of the lists, nor a copy of the lists will be given to them).

6. The objections received from the unions will then be verified by personal interrogation by the Verification Officer, of the members on the basis of the following systematic^{*} sampling system:—

- (i) If the objection lists furnished by a Union consists of 500 or less names of members, the number of persons to be personally interrogated should be 20 per cent subject to a minimum of 100.
- (ii) If the objection list furnished by a union consists of more than 500 but not more than 1000 names the number of persons to be personally interrogated should be 15 per cent subject to a minimum of 100;
- (iii) If the objection list furnished by a Union consists of more than 1,000 but not more than 2,000 names, the number of persons to be personally interrogated should be 10 per cent subject to a minimum of 150;
- (iv) If the objection list furnished by a union consists of more than 2,000 but not more than 5,000 names the number of persons to be personally interrogated should be 5 per cent subject to a minimum of 200; and
- (v) If the objection list furnished by a union consists of more than 5,000 names, the number of persons to be personally interrogated should be 2 per cent subject to a minimum of 250;

The persons selected for personal interrogation should among other things be asked whether they are members of a particular union and whether they had paid subscriptions for 3 months within a period of six months from the date of reckoning and if so, the amount of subscription paid, the months for which it was paid, etc. The Verification Officer will maintain a list of members personally interrogated giving their ticket numbers, names of section where working, the result of personal interrogations, etc.

7 Where the sample check reveals that certain members interrogated deny membership of a union, its list of members will be modified proportionately. For example, if on checking records, it is found that a union has 2,000 valid members and the rival union objects, to say, 800 of these members, a 15 per

^{*}A systematic sample means sampling from a list by taking individuals at equally spaced intervals called sampling intervals. The sampling interval should be:

$$\frac{\text{Total number of persons in the objection list}}{\text{number of persons in the sample}}$$

Thus, for example, if there are 400 workers in the objection list and a sample of 100 workers is to be selected the Verification Officer should select every (400/100th) or 4th worker in the list. It is, however, not necessary that in all cases the selection should begin from the 4th name in the list; the first sample may either be the 1st name in the list; or the second, or the third or the fourth. Thus, for example, if the first name is selected as the first sample then subsequent samples will be 5th, 9th, 13th etc. names; if, however, the second name is taken as the first sample, the subsequent samples would be 6th, 10th, 14th etc. names in the list.

cent sample of the latter has to be drawn, i.e. 120 persons have to be interrogated personally. If on personal interrogation it is found that 30 of the 120 persons (i.e. 25 per cent) deny membership of the union, the strength of the union will be reduced by 25 per cent of 800 persons whose membership was objected to i.e. by 200. In other words, the final strength of the union will, in this case, be 1,800.

$$[2000 - (25 \text{ per cent of } 800) = 1,800]$$

If the persons who, on interrogation, deny their membership of the union claiming them as their members, inform the verification officer that they are members of a rival union, the verification officer will check their membership with the list of members and records of that union and adjust its list accordingly, i.e. their names will be added to the list of the rival union if they are not already included in it, and excluded, in the manner mentioned above, from the list of the claimant union.

8. While conducting personal verification as mentioned in para (6) above, the verification officer will not allow the representatives of any union or management to be present.

9. On completion of the verification work, the Verification Officer will furnish a report to the Chief Labour Commissioner.

ANNEXURE I

Proforma showing particulars of Union functioning in _____ *(Bank)*

Sl. No.	Name and address of the union	Registration No. and date of Registration	Whether the union is a primary or federating unit	Affiliation		Claimed membership			Name of the President, General Secretary, Treasurer of the union with their postal addresses	Remarks
				Central Organisation	State/All India Federation	Name(s) of the Branch/office of the bank in which union is operating	Membership in each branch/office	Workmen	Other than workmen	
I	2	3	4	5	6	7	8	9	10	11

TOTAL

NOTE : If the union is functioning in more than one nationalised bank, it should submit membership claims for each bank in a separate proforma.

ANNEXURE II

First notice }
Second notice } By Regd. A. D.

GOVERNMENT OF INDIA
(Department of Labour and Employment)

Office of the _____

_____ Dated the _____

No.

To

The General Secretary,

SUBJECT:—*Verification of membership of unions operating in the nationalised Banks.*

Dear Sir,

I am to invite a reference to the procedure for verification of membership of unions operating in the nationalised banks (copy enclosed) as specified in the First Schedule to the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970 and to request you to furnish—

- (i) a list of membership of your union as on _____ showing the name of each member, designation, branch/office where working and whether workman or other than workman employee. The list should contain only the names of those members who have paid at least 3 months' subscription during the period of six months ending with _____, and
- (ii) (a) Membership-cum-subscription register.
(b) Counterfoils of receipts
(c) Cash and account books
(d) Bank books
(e) Copy of the Union's constitution
(f) Registration Certificate
(g) Affiliation certificate and payment receipt if the union is affiliated to any all-India/State Federation/Central Organisation.
(h) Copy of the latest annual return submitted to the Registrar of Trade Unions.
(i) List of office-bearers; and
(j) Minutes Book.

at _____ hrs. on _____ (date) at _____ (place).

**2 It may please be noted that in case the required documents are not produced on the above fixed date, no further attempts will be made to verify the membership of your union.

Kindly acknowledge receipt of this letter.

Yours faithfully,

Assistant Labour Commissioner (C)
Labour Enforcement Officer (C)

**For 2nd notice

Copy forwarded for information to:—

- * (1) The President, ——— (Name and address of the union)
- * (2) The Treasurer, ——— (Name and address of the union)
- (3) Regional Labour Commissioner, ———.
- (4) Chief Labour Commissioner (Central), New Delhi.

Assistant Labour Commissioner (C)
Labour Enforcement Officer (C)

*By name

THE SECOND SCHEDULE

[See clause 15]

1. The Western Area shall consist of the States of Gujarat and Maharashtra and the Union territories of Goa, Daman and Diu and Dadra and Nagar Haveli.

2. The Eastern Area shall consist of the States of Assam (including Meghalaya), Nagaland, West Bengal, Bihar and Orissa and the Union territories of Manipur, Tripura and the Andaman and Nicobar Islands.

3. The Central Area shall consist of the States of Madhya Pradesh and Uttar Pradesh.

4. The Northern Area shall consist of the States of Jammu and Kashmir, Punjab, Haryana, Rajasthan and the Union territories of Himachal Pradesh, Chandigarh and Delhi.

5. The Southern Area shall consist of the States of Andhra Pradesh, Mysore, Tamil Nadu and Kerala and the Union territories of Pondicherry and the Laccadive, Minicoy and Amindivi Islands.

[No. F.1(1)-PSB-NB/70.]

A. BAKSI, Secy.

बैंककारी विभाग

नई दिल्ली, 16 नवम्बर, 1970

एस० ओ० 3793—बैंककारी कंपनी (उपक्रमों का अर्जन और अन्तरण) अधिनियम, 1970 (1970 का 5) की धारा 9 द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार रिजर्व बैंक से परामर्श करने के पश्चात् एतद्द्वारा निम्नलिखित स्कीम बनाती है, अर्थात् :—

अध्याय 1

परिचायक

1. संक्षिप्त नाम और प्रारम्भ:—(1) यह स्कीम राष्ट्रीयकृत बैंक 'प्रबंध और प्रकीर्ण उपबंध) स्कीम, 1970 कही जा सकेगी।

(2) यह उस तारीख की प्रवृत्त होगी जिसे केन्द्रीय सरकार शासकीय राजपत्र में अधिसूचना द्वारा नियत करे।

2. परिभाषाएँ :—इस स्कीम में, जब तक कि संदर्भ से अन्यथा अपेक्षित न हो,—

(क) "अधिनियम" से बैंककारी कंपनी (उपक्रमों का अर्जन और अन्तरण) अधिनियम, 1970 (1970 का 5) अभिप्रेत है;

(ख) "बोर्ड" से खंड 3 के अधीन गठित निदेशक बोर्ड अभिप्रेत है;

- (ग) "अध्यक्ष" से, किसी राष्ट्रीयकृत बैंक के संबंध में, उस बैंक के बोर्ड का अध्यक्ष अभिप्रेत है;
- (घ) "निदेशक" से किसी राष्ट्रीयकृत बैंक का तत्समय निदेशक अभिप्रेत है;
- (ङ) "राष्ट्रीयकृत बैंक" से अधिनियम की धारा 3 की उपधारा (1) के अधीन गठित तत्स्थानी नया बैंक अभिप्रेत है;
- (च) "प्रतिनिधि संघ" से व्यवसाय संघ अधिनियम, 1926 (1926 क-16) के अधीन रजिस्ट्रीकृत संघ या ऐसे संघों का परिमंघ अभिप्रेत है, यदि यथास्थिति, ऐसे संघ या परिमंघ के बारे में, सम्यक सत्यापन के पश्चात्, यह प्रमाणित किया जाता है कि राष्ट्रीयकृत बैंक में नियोजित सर्वाधिक कर्मकार इसके ऐसे सदस्य हैं जिन्होंने अपने देय, संघ को या परिमंघ गठित करने वाले संघों में से किसी को नियमित रूप से मंदत कर दिए हैं ;

परन्तु, यथास्थिति, किसी संघ या परिमंघ को इस स्कीम के प्रयोजनों के लिए तब तक प्रतिनिधि संघ नहीं समझा जायगा जब तक कि, यथास्थिति, ऐसे संघ या परिमंघ गठित करने वाले संघों की सत्यापित सदस्यता राष्ट्रीयकृत बैंक द्वारा नियोजित कर्मकारों की कुल संख्या का पन्द्रह प्रतिशत या अधिक न हो ;

- (छ) "अनुसूची" से इस स्कीम की अनुसूची अभिप्रेत है;
- (ज) "सत्यापन" से, इसके व्याकरणिक रूप भेदों और सजातीय पदों सहित मुख्य श्रम आयुक्त (केन्द्रीय) द्वारा प्रथम अनुसूची में विनिर्दिष्ट प्रक्रिया के अनुसार सत्यापन अभिप्रेत है;
- (झ) "कर्मकार" का वही अर्थ होगा जो औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (घ) में उसका है;
- (ञ) जो शब्द और पद इसमें प्रयुक्त हैं और परिभाषित नहीं हैं किन्तु अधिनियम में परिभाषित हैं उनके क्रमशः वे ही अर्थ समझे जाएंगे जो उन्हें अधिनियम में दिए गए हैं ।

अध्याय 2

निदेशक बोर्ड

3. बोर्ड का गठन इस स्कीम के प्रारम्भ के यथासम्भव शीघ्र पश्चात् केन्द्रीय सरकार शासकीय राजपत्र में अधिसूचना द्वारा राष्ट्रीयकृत बैंक का निदेशक बोर्ड गठित करेगी जिसमें निम्नलिखित होंगे —

- (क) दो से अधिक पूर्णकालिक निदेशक, जिन में से एक प्रबंध निदेशक होगा, जो केन्द्रीय सरकार द्वारा रिजर्व बैंक से परामर्श करने के पश्चात् नियुक्त किए जायेंगे ।
- (ख) (1) राष्ट्रीयकृत बैंक कर्मचारियों में से, जो कर्मकार हों, एक निदेशक, केन्द्रीय सरकार द्वारा, प्रतिनिधि संघ द्वारा उसे प्रस्तुत ऐसे तीन कर्मचारियों के पैनल में से, केन्द्रीय सरकार द्वारा विनिर्दिष्ट तारीख के भीतर नियुक्त किया जायगा और— यह तारीख केन्द्रीय सरकार द्वारा दी गई सूचना की तारीख से, जिसमें प्रतिनिधि संघ से नामों का पैनल प्रस्तुत करने की अपेक्षा की गई है, छः सप्ताह से अधिक की नहीं होगी;

परन्तु जहाँ केन्द्रीय सरकार की यह राय हो कि प्रतिनिधि संघ के रूप में किसी संघ या परिसंघ के स्थापन और प्रमाणन में संभावित विलम्ब के कारण राष्ट्रीयकृत बैंक के हित में ऐसा करना आवश्यक है, वहाँ वह किसी राष्ट्रीयकृत बैंक के किसी कर्मचारी को, जो कर्मकार है, उस बैंक का निदेशक नियुक्त कर सकती है।

- (2) (क) जहाँ राष्ट्रीयकृत बैंक के कर्मचारियों का प्रतिनिधित्व करने के लिए कोई प्रतिनिधि संघ नहीं है, या
 - (ख) जहाँ ऐसा प्रतिनिधि संघ विद्यमान होते हुए भी, विनिर्दिष्ट तारीख के भीतर नामों का पेनल नहीं देता या देने में असफल रहता है, या
 - (ग) जहाँ प्रतिनिधि संघ द्वारा दिए गए पेनल ; विनिर्दिष्ट सभी व्यक्ति चाहे इस खण्ड की मद (111) के अधीन या खण्ड 10 के अधीन निरहित है ; वहाँ केन्द्रीय सरकार, अपने विवेकानुसार, राष्ट्रीयकृत बैंक के ऐसे कर्मकार को जैसा वह उचित समझे, ऐसे बैंक का निदेशक नियुक्त कर सकती है ;
- (3) राष्ट्रीयकृत बैंक का कोई कर्मकार निदेशक के रूप में नियुक्त होने से निरहित होगा, यदि —
 - (क) वह किसी राष्ट्रीयकृत बैंक में या विद्यमान बैंक में, जिसका कि वह राष्ट्रीयकृत बैंक तत्स्थानी नया बैंक है, या भागतः एक में और भागतः दूसरे में, लगातार पांच वर्ष से अन्यून की कालावधि में सेवा न कर रहा हो, और
 - (ख) वह ऐसी आय का है कि इसकी सम्भावना नहीं है कि वह निदेशक के रूप में अपनी पदावधि के दौरान ही अपनी अधिवर्षित की आयु प्राप्त करेगा।
- (ग) एक निदेशक, जो राष्ट्रीयकृत बैंक के कर्मचारियों में से, जो कर्मकार नहीं है, केन्द्रीय सरकार द्वारा रिजर्व बैंक से परामर्श करने के पश्चात नियुक्त किया जायेगा ;
- (घ) एक निदेशक, जो केन्द्रीय सरकार की राय में निक्षेपकर्ताओं के हितों का प्रतिनिधित्व करने में सक्षम है, बैंक के निक्षेपकर्ताओं में से, केन्द्रीय सरकार द्वारा रिजर्व बैंक से परामर्श करने के पश्चात नियुक्त किया जायेगा ;
- (ङ) तीन निदेशक, जो केन्द्रीय सरकार की राय में क्रमशः कृषकों, कर्मकारों और शिल्पियों के हितों का प्रतिनिधित्व करने में सक्षम है, केन्द्रीय सरकार द्वारा रिजर्व बैंक से परामर्श करने के पश्चात नियुक्त किए जायेंगे ;
- (च) पांच से अतिरिक्त निदेशक, जो ऐसे किसी एक या अधिक विषयों की श्रावत जिनकी राष्ट्रीयकृत बैंक के कार्यकरण में लाभदायक होने की संभावना है, विशेष ज्ञान या प्रयोगात्मक ज्ञान रखने वाले व्यक्तियों में से, केन्द्रीय सरकार द्वारा रिजर्व बैंक से परामर्श करने के पश्चात नियुक्त किए जाएंगे ;
- (छ) एक निदेशक, जो रिजर्व बैंक का पदाधिकारी है, केन्द्रीय सरकार द्वारा रिजर्व बैंक की गिफारिश पर नियुक्त किया जायेगा ;

स्पष्टीकरण :—

इस उपखण्ड के प्रयोजन के लिए 'रिजर्व बैंक' के अन्तर्गत, भारतीय औद्योगिक विकास बैंक अधिनियम, 1964 (1964 का 18) की धारा 3 के अधीन स्थापित, भारतीय औद्योगिक विकास बैंक भी है ;

(ज) एक निदेशक, जोन्के द्रीय सरकार का पदाधिकारी है, उस सरकार द्वारा नियुक्त किया जायगा ।

4. बोर्ड का गठन हो जाने पर अभिरक्षको का पदधारण नहीं करना:—बोर्ड का गठन हो जाने पर प्रत्येक व्यक्ति, जो ऐसे गठन से अव्यवहित पूर्व किसी राष्ट्रीय कृत बैंक के अभिरक्षक के रूप में पदधारण कर रहा हो, ऐसा पद धारण नहीं करेगा ।

5. अध्यक्ष (1) केन्द्रीय सरकार रिजर्व बैंक से परामर्श करने के पश्चात निदेशकों में से एक को बोर्ड का अध्यक्ष नियुक्त करेगा ।

(2) अध्यक्ष बोर्ड के अधिवेशनों की अध्यक्षता करेगा ।

6. प्रबन्ध निदेशक (1) प्रबन्ध निदेशक, राष्ट्रीयकृत बैंक का मुख्य कार्यालय अधिकारी होगा, और ऐसी शक्तियों का प्रयोग और ऐसे कर्तव्यों का निर्वहन करेगा जो उसे बोर्ड द्वारा प्रत्यायोजित किए जाए :

परन्तु जब तक ऐसा प्रत्यायोजन नहीं किया जाता तब तक प्रबन्ध निदेशक ऐसी सभी शक्तियों का प्रयोग और ऐसे सभी कार्य, कृत्य और बातें करेगा जैसा कि अभिरक्षक, उस तारीख से अव्यवहित पूर्व जिस तारीख को बोर्ड गठित हुआ था, प्रयोग करने के लिए प्राधिकृत था ।

7. एक ही व्यक्ति अध्यक्ष तथा प्रबन्ध निदेशक दोनों के रूप में पद धारण कर सकता है—केन्द्रीय सरकार रिजर्व बैंक से परामर्श करने के पश्चात एक ही व्यक्ति को एक ही समय अध्यक्ष और प्रबन्ध निदेशक दोनों पदों को धारण करने के लिए नियुक्त कर सकती है ।

8. पूर्णकालिक निदेशक जिसमें प्रबन्ध निदेशक सम्मिलित है की पदावधि और पारिवारिक

(1) पूर्णकालिक निदेशक, जिसमें प्रबन्ध निदेशक सम्मिलित है, अपना पूर्ण समय राष्ट्रीयकृत बैंक के कार्यों में लगाएगा और पांच वर्ष से अधिक की ऐसी अवधि तक, जैसी कि केन्द्रीय सरकार रिजर्व बैंक से परामर्श करने के पश्चात विनिर्दिष्ट करे, पद धारण करेगा और पुनः नियुक्ति का पात्र होगा ।

(2) पूर्णकालिक निदेशक, जिसमें प्रबन्ध निदेशक सम्मिलित है, राष्ट्रीयकृत बैंक से ऐसे सम्बन्ध, भत्ते, फीस और परिनिष्ठियां प्राप्त करेगा, और ऐसे निबन्धनों और शर्तों द्वारा शासित होगा जैसा कि केन्द्रीय सरकार, प्रथम नियुक्ति की दशा में रिजर्व बैंक से परामर्श करने के पश्चात और किसी पश्चातवर्ती नियुक्ति की दशा में बोर्ड से परामर्श करने के पश्चात, अवधारित करे ।

(3) यदि पूर्णकालिक निदेशक, जिसमें प्रबन्ध निदेशक सम्मिलित है, अशक्तता के कारण या अन्यथा अपने कर्तव्यों को निष्पादित करने में असमर्थ हो जाता है या ऐसी परिस्थितियों में जिनमें उसके पद का रिक्त होना अन्वयित नहीं है, छुट्टी पर या अन्यथा अनुपस्थित है तो केन्द्रीय सरकार रिजर्व बैंक से परामर्श करने के पश्चात किसी अन्य व्यक्ति को उसकी अनुपस्थिति के दौरान उसके स्थान पर कार्य करने के लिए नियुक्त कर सकती है ।

(4) केन्द्रीय सरकार, यदि उसका समाधान हो जाय कि ऐसा करना राष्ट्रीयकृत बैंक के हित में समीचीन है तो, पूर्णकालिक निदेशक को, जिसमें प्रबन्धनिदेशक सम्मिलित है, पद से हटा सकती है ;

परन्तु इस प्रकार पद से हटाने की कार्यवाही—

(क) बोर्ड से परामर्श किए बिना, और

(ख) पूर्णकालिक निदेशक, जिसमें प्रबन्ध निदेशक सम्मिलित है, को प्रस्थापित कार्य-वाही के विरुद्ध कारण बताने का युक्तियुक्त अवसर दिए बिना, नहीं की जायगी ।

9. अन्य निर्देशकों की पदावधि—(1) खण्ड 3 के उपखण्ड (ख), (ग), (घ) (ङ), या (च) के अधीन नियुक्त निदेशक तीन वर्ष की कालावधि के लिए पद धारण करेगा और पुनर्नियुक्ति का पात्र होगा :

परन्तु केन्द्रीय सरकार, रिजर्व बैंक से परामर्श करने के पश्चात् इसके द्वारा उस खण्ड के उपखण्ड (ख), (ग), (घ), (ङ), या (च) के अधीन नियुक्त किसी निदेशक को पद से हटा सकेगी और रिक्त को भरणे के लिए, उसके स्थान पर किसी अन्य व्यक्ति को नियुक्त कर सकेगी ।

(2) खण्ड 3 के उपखण्ड (छ) या उप खण्ड (ज) के अधीन नियुक्त किया गया निदेशक केन्द्रीय सरकार के प्रसाद पर्यन्त पद धारण करेगा ।

(3) कोई निदेशक, जिसकी पदावधि पर्यवसित हो गई है, ऐसे पर्यवसान के होने हुए भी, तब तक निदेशक के रूप में पद धारण करता रहेगा जब तक कि उसका उत्तराधिकारी नियुक्त न कर दिया जाय ।

10. निदेशकों की निरर्हताएँ—कोई व्यक्ति निदेशक नियुक्त किए जाने, और होने के लिए निर्हित होगा, —

(क) यदि उसे किसी समय दिवालिया न्यायनिर्णीत किया गया हो या उसने संदाय निषम्भित कर दिया हो या उसने अपने लेनदारों से प्रशासन कर लिया हो ; या

(ख) यदि उसे विकृतचित्त पाया जाय और सक्षम न्यायालय द्वारा उसे ऐसा घोषित किया जा चुका हो ; या

(ग) यदि उसे वाणिज्य न्यायालय द्वारा ऐसे अपराध के लिए सिद्धा दोष ठहराया गया हो जिसमें नैतिक अधमता अन्तर्बलित है ।

11. निदेशकों की अवधि के पद की रिक्ति—(1) यदि कोई निदेशक खण्ड 10 में विनिर्दिष्ट निरर्हताओं के अध्याधीन हो जाता है, या बोर्ड की इजाजत के बिना उसके तीन से अधिक क्रमवर्ती अधिवेशनों से अनुपस्थित रहता है, तो यह समझा जायगा कि उसने अपना पद रिक्त कर दिया है और तदुपरि उसका पद रिक्त हो जायगा ।

(2) अध्यक्ष या कोई पूर्णकालिक निदेशक, जिसमें प्रबन्ध निदेशक सम्मिलित है, या खण्ड 3 के उपखण्ड (छ) या उपखण्ड (ज) के अधीन नियुक्त किया गया कोई निदेशक केन्द्रीय सरकार को लिखित सूचना देकर अपने पद से त्यागपत्र दे सकेगा और ऐसे त्यागपत्र के उस सरकार द्वारा स्वीकार कर लिए जाने पर यह समझा जाएगा कि उसने अपना पद रिक्त कर दिया है ; तथा कोई अन्य निदेशक केन्द्रीय सरकार को लिखित सूचना देकर अपने पद से त्यागपत्र दे सकता है और ऐसा त्यागपत्र केन्द्रीय सरकार द्वारा त्यागपत्र की संसूचना की प्राप्ति पर प्रभावी होगा ।

(3) पूर्वगामी उपखण्डों पर प्रतिकूल प्रभाव डालने बिना, खण्ड 3 के उपखण्ड (ख) या उपखण्ड (ग) के अधीन नामनिर्देशक किसी निदेशक का पद, जैसे ही वह निदेशक उस राष्ट्रीयकृत बैंक का जिसका वह निदेशक है कर्मकार या कर्मकार से भिन्न कर्मचारी नहीं रहता, रिक्त हो जाएगा तथा खण्ड 3 के उपखण्ड (घ) के अधीन नामनिर्देशित निदेशक का पद, ऐसे निदेशक के उस राष्ट्रीयकृत बैंक का, जिसका वह निदेशक है निक्षेपकर्ता न रहने पर रिक्त हो जाएगा।

(4) जहां किसी निदेशक की पदावधि का पर्यसवसान होने से पूर्व कोई रिक्ति हो जाती है, वहां वह खण्ड 3 के अनुसार भरी जाएगी।

(5) खण्ड 3 के उपखण्ड (ख), या उपखण्ड (ग) या उपखण्ड (घ) या उपखण्ड (ङ) या उपखण्ड (च) के अधीन किसी निदेशक के पद की किसी रिक्ति में उपखण्ड (4) के अधीन नामनिर्देशित निदेशक तीन वर्ष की कालावधि के लिए पद धारण करेगा :

परन्तु खण्ड (3) के उपखण्ड (ख) की मद (i) या (ii) के अधीन नियुक्त कोई निदेशक एक समय में छ. मास में अधिक के लिए पद धारण नहीं करेगा।

(6) किसी रिक्ति को भरने के लिए नियुक्त कोई अन्य निदेशक, इस : की.म. के अन्य उपबन्धों के अधीन ऐसी कालावधि के लिए जो केन्द्रीय सरकार द्वारा विनिर्दिष्ट की जाए, या केन्द्रीय सरकार के प्रसाद पर्यन्त, पद धारण करेगा।

12. बोर्ड का अधिवेशन.—(1) बोर्ड के अधिवेशन सामान्यतः एक वर्ष में कम से कम छः बार और प्रत्येक त्रिमास में कम से कम एक बार होंगे।

(2) बोर्ड का अधिवेशन, राष्ट्रीयकृत बैंक के मुख्य कार्यालय में या ऐसे अन्य स्थान पर होगा जैसा कि बोर्ड विनिश्चय करे।

(3) बोर्ड के किसी अधिवेशन के लिए, सामान्यतः, पन्द्रह दिन में अन्यून की सूचना दी जाएगी और ऐसी सूचना हर निदेशक को उस पते पर भेजी जाएगी जो उसके द्वारा इस निमित्त विनिर्दिष्ट किया गया हो।

(4) बोर्ड के किसी अधिवेशन में, उसके अध्यक्ष और उपस्थित निदेशकों के बहुमत की समिति के सिवाय उस काम काज से, जिसके लिए अधिवेशन बुलाया गया था, भिन्न किसी काम काज का मस्यवहार तब तक नहीं किया जाएगा जब तक ऐसे काम काज की एक सप्ताह की सूचना लिखित रूप से अध्यक्ष को न दे दी गई हो।

(5) बोर्ड के किसी अधिवेशन के लिए गणपूर्ति पांच निदेशकों की होगी :

परन्तु जहां उप-खण्ड (8) के उपबन्ध के कारण, कोई निदेशक, अधिवेशन में मत देने में अशर्मा हो वहां ऐसे अधिवेशन के लिए, उस काम काज के मस्यवहार के लिए गणपूर्ति चार की होगी।

(6) यदि, किसी कारण से, अध्यक्ष बोर्ड के अधिवेशन में उपस्थित होने में अशर्मा हो तो प्रबन्ध निदेशक उस अधिवेशन की अध्यक्षता करेगा और प्रबन्ध निदेशक की अनुपस्थिति में या एक ही व्यक्ति के अध्यक्ष और प्रबन्ध निदेशक होने की दशा में, अधिवेशन में उपस्थित निदेशकों द्वारा उसे से ही निर्वाचित कोई अन्य निदेशक, अधिवेशन की अध्यक्षता करेगा।

(7) अधिवेशन में सभी प्रश्नों का विनिश्चय, उपस्थित तथा मतदान करने वाले निदेशकों के मतों के बहुमत से किया जाएगा और मतों के बराबर होने की दशा में, अध्यक्षता करने वाले व्यक्ति का द्वितीय या निर्णायक मत होगा।

(8) कोई निदेशक, जो प्रत्यक्षतः या परीक्षतः राष्ट्रीयकृत बैंक द्वारा या उसकी ओर से, कोई संविदा, उधार, इन्तजाम या प्रस्थापना किये जाने की प्रस्थापना करने में सम्बद्ध या हितबद्ध हो, वह तत्सम्बन्धी परिस्थितियों की जानकारी होने के यथा सम्भव शीघ्र पश्चात् बोर्ड के प्रति अपने हित की प्रकृति को संप्रकट करेगा और जब किसी ऐसी संविदा, उधार, इन्तजाम या प्रस्थापना पर विचार विमर्श किया जा रहा हो तब बोर्ड के अधिवेशन में जब तक उपस्थित नहीं होगा जब तक कि बोर्ड के अन्य निदेशकों द्वारा जानकारी प्रकट करने के प्रयोजनार्थ उसकी उपस्थिति अपेक्षित न हो और इस प्रकार उपस्थित होने के लिए अपेक्षित कोई निदेशक, किसी संविदा, उधार, इन्तजाम या प्रस्थापना पर मत नहीं देगा।

(9) बोर्ड के प्रत्येक अधिवेशन की कार्यवाहियों की एक प्रति, अधिवेशन के पश्चात् निदेशकों की जानकारी के लिए, यथा सम्भव शीघ्र परिचालित की जाएगी और उस या आगामी उत्तरवर्ती अधिवेशन के अध्यक्ष द्वारा हस्ताक्षरित होगी।

(10) बोर्ड का कोई कार्य या कार्यवाही केवल बोर्ड की किसी रिक्ति या उसके गठन में किसी कमी के अस्तित्व के आधार पर अविधिमान्य नहीं होगी।

अध्याय 3

बोर्ड की समितियाँ

13. **प्रबन्ध समिति.**—(1) राष्ट्रीयकृत बैंक की एक प्रबन्ध समिति होगी।

(2) प्रबन्ध समिति, अध्यक्ष, प्रबन्ध निदेशक, खण्ड 3 के उप-खण्ड (छ) और (ज) के अधीन नियुक्त निदेशकों, और रिजर्व बैंक से परामर्श करने के पश्चात् केन्द्रीय सरकार द्वारा नाम-निर्देशित चार अन्य निदेशकों से मिलकर बनेगी :

परन्तु केन्द्रीय सरकार द्वारा नामनिर्देशित निदेशक एक बार में एक वर्ष से अधिक के लिए पद धारण नहीं करेगा।

(3) प्रबन्ध समिति ऐसी शक्तियों का प्रयोग करेगी जैसी उसे केन्द्रीय सरकार के अनुमोदन से बोर्ड द्वारा प्रत्यायोजित की जाए और केन्द्रीय सरकार द्वारा ऐसा अनुमोदन, रिजर्व बैंक से परामर्श करने के पश्चात् दिया जाएगा।

(4) प्रबन्ध समितियों के अधिवेशन, सामान्यतः साल में दो बार हो सकते हैं।

(5) प्रबन्ध समिति के अधिवेशन के लिए गणपूर्ति चार निदेशकों की होगी।

(6) प्रबन्ध समिति के किसी अधिवेशन का कार्यवृत्त अधिवेशन के पश्चात् यथा सम्भव शीघ्र बोर्ड के समक्ष रखा जाएगा।

(7) प्रबन्ध समिति के अधिवेशन और कार्यवाहियाँ इस स्कीम में बोर्ड के अधिवेशनों और कार्यवाहियों की विनिश्चित करने के लिए अन्तर्विष्ट उपबन्धों द्वारा, जहां तक वे उनकी लागू होते हैं, शासित होंगे।

14. सलाहकार समितियाँ

बोर्ड ऐसी अन्य समितियाँ गठित कर सकेगा, चाहे उसमें सभी निदेशक हों या सभी अन्य व्यक्ति या भागतः निदेशक और भागतः अन्य व्यक्ति हों, जैसा वह ठीक समझे, जो बोर्ड को ऐसे मामलों में परामर्श देंगी जो उसे साधारणतः या विशेषतः निदिष्ट किए जाएँ और ऐसे कर्तव्यों का जो बोर्ड उन्हें सौंपे पालन करेंगी।

अध्याय 4

15. राष्ट्रीय बैंकों के लिए प्रादेशिक सलाहकार समितियाँ.—(1) द्वितीय अनुसूची में विनिर्दिष्ट पांच प्रदेशों में से प्रत्येक के लिए एक प्रादेशिक सलाहकार समिति होगी।

(2) प्रत्येक प्रादेशिक सलाहकार समिति में निम्नलिखित सदस्य होंगे—

- (क) तीन से अनधिक व्यक्ति जो केन्द्रीय सरकार द्वारा नामनिर्देशित किए जाएँ,
- (ख) संबंधित प्रदेशों में सम्मिलित राज्यों में से प्रत्येक के दो दो प्रतिनिधि और संबंधित प्रदेश में सम्मिलित संघ राज्यक्षेत्रों में से प्रत्येक का एक एक प्रतिनिधि जो, यथास्थिति, उस राज्य की या उस संघ राज्यक्षेत्र की सरकार द्वारा नामनिर्देशित किए जाएँ; और
- (ग) उस प्रदेश में कार्यालय वाले ऐसे राष्ट्रीय बैंक बैंकों द्वारा जिसे रिजर्व बैंक द्वारा पदाभिहित किया जाए, नामनिर्देशित एक एक प्रतिनिधि;

(3) प्रादेशिक सलाहकार समितियों के अधिवेशनों की अध्यक्षता वित्त मंत्री द्वारा या संघ के वित्त मंत्रालय में ऐसे मंत्री या उपमन्त्री द्वारा की जाएगी जिसे वित्त मंत्री द्वारा नामनिर्देशित किया जाए।

(4) प्रत्येक प्रादेशिक सलाहकार समिति प्रदेश के भीतर बैंककारी विकास का पुनर्विलोकन करेगी और केन्द्रीय सरकार तथा रिजर्व बैंक के विचारार्थ ऐसी सिफारिशें करेगी जैसी कि वह समुचित समझे।

अध्याय 5

प्रकीर्ण

16. खण्ड 14 के अधीन गठित समिति या प्रादेशिक सलाहकार समिति की सदस्यता के लिए निरस्तताएँ और किस सदस्य द्वारा पद रिक्तताएँ.—(1) कोई व्यक्ति खण्ड 14 के अधीन गठित किसी समिति या किसी प्रादेशिक सलाहकार समिति का सदस्य नामनिर्देशित किये जाने या सदस्य होने के लिए निरहित होगा यदि वह खण्ड 10 में विनिर्दिष्ट निरर्हताओं में किसी के अध्याधीन है या हो जाता है।

(2) यदि खण्ड 14 के अधीन गठित किसी समिति या किसी प्रादेशिक सलाहकार समिति का कोई सदस्य खण्ड 10 में विनिर्दिष्ट निरर्हताओं में से किसी के अध्याधीन हो जाता है तो यह समझा जाएगा कि उसने अपना पद रिक्त कर दिया है और तदुपरि उसका पद रिक्त हो जाएगा।

(3) खण्ड 14 के अधीन गठित किसी समिति का कोई सदस्य या किसी प्रादेशिक सलाहकार समिति का कोई सदस्य खण्ड 14 के अधीन गठित समिति की दशा में बोर्ड को और प्रादेशिक सलाहकार समिति की दशा में उस प्रादेशिक सलाहकार समिति के अध्यक्ष को, जिसका वह सदस्य है, सूचना देकर

अपने पद से त्यागपत्र दे सकेगा और ऐसा त्यागपत्र, यथास्थिति, बोर्ड या अध्यक्ष द्वारा त्यागपत्र की संमूचना की प्राप्ति पर प्रभावी होगा।

(4) बोर्ड खण्ड 14 के अधीन गठित समिति के किसी सदस्य को हटा सकेगा और उसके स्थान पर अन्य व्यक्ति को नियुक्त कर सकेगा।

(5) किसी प्रादेशिक सलाहकार समिति के लिए किसी सदस्य को नामनिर्देशित करने वाला प्राधिकारी ऐसे सदस्य को पद से हटा सकेगा और उसके स्थान पर अन्य व्यक्ति को नियुक्त कर सकेगा।

17. परिश्रमिक और यात्रा व्यय की प्रतिपूर्ति—(1) निदेशक जो अध्यक्ष या पूर्णकालिक निदेशक, जिनमें प्रबन्ध निदेशक सम्मिलित है को न हो या रिजर्व बैंक प्रया केन्द्रीय सरकार के किसी सदस्यारी का उपायोपहार बैंक द्वारा जितना वह निदेशक है बोर्ड या बोर्ड की किसी समिति के अधिवेशनों में भाग लेने के लिए या राष्ट्रीय कृषि बैंक का कोई प्रयत्न करने के लिए अपनी फीस भंडार की जाएगी जितनी रिजर्व बैंक से परामर्श करने के पश्चात् केन्द्रीय सरकार द्वारा विनिश्चित की जाए।

(2) उपायोपहार के अधिनियम जो पंरत किए जाने का कोई निदेशक उपायोपहार (1) के प्रयोग के लिए हो, प्रयत्न के निदेशक हो या राष्ट्रीय कृषि बैंक के कार्य के सम्बन्ध में यात्रा करे, यात्रा और उद्घरण के व्यय की यदि कोई हो, प्रतिपूर्ति ऐसे आधार पर की जाएगी जो समय समय पर केन्द्रीय सरकार द्वारा रिजर्व बैंक से परामर्श करने के पश्चात् विनियमित किया जाए।

परन्तु अध्यक्ष या पूर्णकालिक निदेशक को जिनमें प्रबन्ध निदेशक सम्मिलित है, या रिजर्व बैंक प्रया केन्द्रीय सरकार के किसी सदस्यारी हो यात्रा और उद्घरण के व्यय की प्रतिपूर्ति ऐसे आधार पर की जाएगी जो उपायोपहार करने वाले नियमों के प्रयोग के पश्चात् विनियमित किया जाए।

(3) खण्ड 14 के अधीन गठित किसी समिति के किसी सदस्य को अपनी फीस तथा यात्रा और उद्घरण का वह निदेशक जितना वह कोई यात्रा निदेशक किया जाए।

(4) खण्ड 15 के उपायोपहार (2) की मद (क) या मद (ख) के अधीन नामनिर्देशित, प्रादेशिक सलाहकार समिति के किसी सदस्य को, प्रादेशिक सलाहकार समिति के कार्य के संबंध में यात्रा और उद्घरण के व्यय की यदि कोई हो, प्रतिपूर्ति ऐसे आधार पर की जाएगी जो केन्द्रीय सरकार द्वारा रिजर्व बैंक से परामर्श करने के पश्चात् विनियमित किया जाए।

18. बोर्ड के अधिवेशन के बिना संकल्प वैध—यथास्थिति, बोर्ड के या प्रबन्ध समिति के सदस्यों के बहुमत द्वारा लिखित रूप में हस्ताक्षरित संकल्प वैध और प्रभावी होगा और यथास्थिति बोर्ड या प्रबन्ध समिति द्वारा उस तारीख को, जिसको अन्तिम हस्ताक्षरकर्ता ने इस संकल्प पर हस्ताक्षर किए थे पारित संकल्प समझा जाएगा :

परन्तु उपर्युक्त रूप से पारित संकल्प, यथास्थिति, बोर्ड या प्रबन्ध समिति के अगले अधिवेशन के समक्ष रखा जाएगा :

परन्तु यह और कि यदि कोई विसम्मत निदेशक या सदस्य लिखित रूप में यह अपेक्षा करे कि इस प्रकार पारित कोई संकल्प, यथास्थिति, बोर्ड या प्रबन्ध समिति के अधिवेशन के समक्ष रखा जाए तो संकल्प तब तक उपर्युक्त प्रकार से वैध और प्रभावी नहीं समझा जाएगा जब तक कि उसे ऐसे अधिवेशन में पारित न कर दिया जाए।

19. खण्ड 14 के अधिन गठित सलाहकार समितियों के अधिवेशन:—खण्ड 14 के अधीन गठित किसी सलाहकार समिति के अधिवेशनों का विनियमन ऐसी रीति से होगा जो बोर्ड एरा विनिश्चित की जाए।

प्रथम अनुसूची

[खण्ड 2(ज) देखिए]

विषय :—राष्ट्रीयकृत बैंकों में कार्य कर रहे संघों की सदस्यता के सत्यापन के लिए प्रक्रिया

मुख्य श्रम आयुक्त (केन्द्रीय) राष्ट्रीयकृत बैंकों के प्रबन्धनतंत्रों से उनके अपने अपने बैंकों में कार्य कर रहे सभी रजिस्ट्रीकृत संघों के नाम और पते देने की प्रार्थना करेगा। प्रबन्धनतंत्रों से प्राप्त संघों की विशिष्टियां व्यवसाय मंथों के रजिस्ट्रार के अधिवेशन से पड़ जाच पड़ताल करने के लिए मंत्राधिन प्रादेशिक श्रम आयुक्तों को अप्रेषित की जाएगी कि क्या उन संघों का रजिस्ट्रीकरण अभी विप्रमान है और क्या राष्ट्रीयकृत बैंकों में अन्य रजिस्ट्रीकृत संघ कार्य कर रहे हैं। प्रादेशिक श्रम आयुक्त अपनी जाच पड़ताल के परिणामों की रिपोर्ट मुख्य श्रम आयुक्त (केन्द्रीय) को भेजेंगे। इस सूचना की प्राप्ति पर, शुरु श्रम आयुक्त (केन्द्रीय) संघों से अपनी सदस्यता के दावों का पदम प्रोक्तर्षा, पाच प्रतियों में, एक विनिर्दिष्ट तारीख तक देने की प्रार्थना करेगा।

2. तत्पश्चात सदस्यता के पञ्चत मन्पात के प्रयोजनों के लिए रजिस्ट्रीकृत संघों का आवटन मन्पात अधिकारियों के बीच किया जाएगा। स मन्पात अधिकारों संघों से विभिन्न शाखाओं/कार्यालयों में (बैंकवार) अपने उन सदस्यों की सूची, जिन्होंने मन्पात हो न हो र, जो उन पाम से ठीक पूर्ववर्ती माम की पहली तारीख होगी जिनमें के शोध मन्पात ने सुडा मन्पात आयुक्त (केन्द्रीय) को मन्पात करने के लिए लिखा हो, से पूर्ववर्ती छ. माम की कानावधि के दौरान कम से कम तीन पाम के लिए चन्दा सदत्त किया हो, तीन प्रतियों में निम्नलिखित क माय निपा प्पात पीर मसय पर अपने ममत 10 दिन के भीतर, रसीदी रजिस्ट्रीकृत डाक द्वारा पेश करने के लिए (उपग्रन्थ 2 के अनुसार) करेगा :—

- (i) सदस्यता एवं-चन्दा रजिस्टर।
- (ii) रसीदों के प्रतिपर्ण।
- (iii) रोकड़ और लेखा बहियां।
- (iv) बैंक पुस्तिकाएं।
- (v) संघ के सविधान की प्रति।
- (vi) रजिस्ट्रीकरण प्रमाणपत्र।
- (vii) यदि संघ किसी अखिल भारतीय/राज्य परिसंघ/केन्द्रीय संगठन के साथ संबद्ध हो तो संबद्धता प्रमाणपत्र और सदाय रसीदें।
- (viii) व्यवसाय मंथ—रजिस्ट्रार को सबसे पश्चात् पेश की गई विवरणी की प्रति।
- (ix) पदाधिकारियों की सूची, और
- (x) कार्यवृत्त पुस्तिका

5. यदि संघ अपने सदस्यों की सूची और अन्य अभिलेख पेश करने में अमकल रहना है तो 10 दिन के भीतर उनको नियत स्थान और समय पर पेश करने के लिए उसे एक दूसरी और अन्तिम सूचना रसीदी रजिस्ट्रीकृत डाक द्वारा भेजी जाएगी। यदि सब दूसरी बार भी पेश करने में फिर से अमकल

रहता हो तो उसकी सदस्यता का सत्यापन करने के लिए आगे और कोई प्रयत्न नहीं किया जाएगा। किन्तु उन संघों के बारे में जिन्होंने सूचियां और अभिलेख प्रस्तुत कर दिए हैं, सत्यापन अधिकारी उनकी परीक्षा करेगा और उन सदस्यों की संख्या अभिनिश्चित करेगा जिन्होंने गणना—तारीख से पूर्ववर्ती छः मास, की कालावधि के भीतर तीन मास का चन्दा संदत्त कर दिया था। यह परीक्षा 100% होगी और संबंधित संघ के पदाधिकारियों की उपस्थिति में, किन्तु विरोधी संघ के पदाधिकारियों या प्रतिनिधियों की उपस्थिति में नहीं, की जाएगी। सदस्यता का सत्यापन करते समय, सत्यापन अधिकारी उन किन्हीं अभ्यावेदनों पर सम्यक ध्यान रखेगा जो उसे संघ के पदधारियों द्वारा दिए जाएं।

4. तत्पश्चात्, सत्यापन अधिकारी राष्ट्रीयकृत बैंक के केन्द्रीय/रजिस्ट्रीकृत कार्यालय का परिदर्शन करेगा और यह सुनिश्चित करेगा कि इस प्रकार सत्यापित तथा सूची में सम्मिलित सदस्यों के नाम गणना की तारीख को प्रबन्धतंत्र के रोल पर है भी। वे सभी सदस्यों जिनके नाम गणना की तारीख को प्रबन्धतंत्र के रोल पर नहीं हैं सूची से निकाल दिए जाएंगे। सत्यापन अधिकारी बैंक के केन्द्रीय/रजिस्ट्रीकृत कार्यालय के परिदर्शन के समय गणना की तारीख को बैंक की अपनी-अपनी शाखाओं/कार्यालयों में नियोजित व्यक्तियों की संख्या भी अभिप्राप्त करेगा।

5. तत्पश्चात् सत्यापन अधिकारी संबंधित संघों/संघों के परिमंघों को लिखित रूप में प्रजापित करेगा कि बैंक में उनके अपने अपने सदस्यों की सत्यापित सूचियां नियत समय और स्थान पर संघ-प्रतिनिधियों द्वारा निरीक्षण के लिए तैयार हैं। इसी के साथ संघ को भी सूचना दे दी जाएगी कि विरोधी संघ (संघों) के सदस्यों की सत्यापित सूची के निरीक्षण के पश्चात् उन्हें इन सूचियों की प्रविष्टियों के प्रति अपने विनिर्दिष्ट आक्षेपों। यदि कोई हो, निरीक्षण की तारीख के 10 दिन के भीतर (या द्वायत कालावधि के भीतर यदि आक्षेपों की संख्या 10,000 से अधिक होने की संभावना हो, 10,000 से ऊपर प्रत्येक 2,000 आक्षेपों के लिए एक अतिरिक्त दिन के आधार पर) भेज देने चाहिए। संघों को यह स्पष्ट कर दिया जाना चाहिए कि माधारण और अप्रस्पष्ट आक्षेप जैसे बड़ा चढा कर दिखाई गई सदस्यता, आदि पर विचार नहीं किया जाएगा, आक्षेपों में उन व्यक्तियों के, जिनकी किसी संघ की सदस्यता के प्रति आक्षेप किया गया है, नाम और उसके कारण होने चाहिए।

(सत्यापन अधिकारी की उपस्थिति में दिखाई गई सत्यापित सूची से संघ-प्रतिनिधियों को टिप्पण लेने के लिए आनुज्ञात किया जाएगा; किन्तु उन्हें कोई भी सूची लेने के लिए अनुज्ञात नहीं किया जाएगा, और न ही सूचियों की प्रतिलिपि उन्हें दी जाएगी।)

6. फिर सत्यापन अधिकारी संघों से प्राप्त आक्षेप, सदस्यों से वैयक्तिक पूछताछ द्वारा निम्नलिखित वर्गीकृत* प्रतिदर्श प्रणाली के आधार पर सत्यापित करेगा :—

- (I) यदि किसी संघ द्वारा दी गई आक्षेप सूची में 500 या उससे कम सदस्यों के नाम हैं तो वैयक्तिक रूप से पूछताछ किए जाने वाले व्यक्तियों की संख्या, न्यूनतम 100 के अर्धधनी, 20% होगी ;
- (II) यदि किसी संघ द्वारा दी गई आक्षेप सूची में 500 से अधिक किन्तु 1,000 से अनधिक नाम हैं तो वैयक्तिक रूप से पूछताछ किए जाने वाले व्यक्तियों की संख्या, न्यूनतम 100 के अर्धधनी, 15% होगी ;
- (III) यदि किसी संघ द्वारा दी गई आक्षेप-सूची में 1,000 से अधिक किन्तु 2,000 से अनधिक नाम हैं तो वैयक्तिक रूप से पूछताछ किए जाने वाले व्यक्तियों की संख्या न्यूनतम 150 के अर्धधनी 10% होगी ;

- (iv) यदि किसी संघ द्वारा दी गई आक्षेप-सूची में 2,000 से अधिक किन्तु 5,000 से अनधिक नाम हैं तो वैयक्तिक रूप से पूछताछ किए जाने वाले व्यक्तियों की संख्या न्यूनतम 200 के अर्धघीन, 5% होगी ;
- (v) यदि किसी संघ द्वारा दी गई आक्षेप सूची में 5,000 से अधिक नाम हैं तो वैयक्तिक रूप से पूछताछ किए जाने वाले व्यक्तियों की संख्या, न्यूनतम 250 के अर्धघीन, 2% होगी ;

वैयक्तिक पूछताछ के लिए चयन किए गए व्यक्तियों से अन्य बातों के साथ साथ यह भी पूछा जाना चाहिए कि क्या वे किसी संघ विशेष के सदस्य हैं और क्या उन्होंने गणना की तारीख से छः मास की कालावधि के भीतर 3 मास का घटा संदल कर दिया है और यदि ऐसा है, तो संदल चंदे की रकम, वे मास जिनके लिए यह संदल किया गया था, आदि । सत्यापन अधिकारी वैयक्तिक रूप से पूछताछ किए गए सदस्यों की, उनकी टिकट संख्या, जहां काम करते हैं उस अनुभाग का नाम, वैयक्तिक पूछताछों के परिणाम, आदि देते हुए, सूची रजंगा ।

7. जहां प्रतिदर्श जांच से यह प्रकट होता है कि पूछताछ किए गए कतिपय सदस्य किसी संघ की सदस्यता से इंकार कर रहे हैं तो इसके सदस्यों की सूची अनुपाततः उपांतरित कर दी जाएगी । उदाहरणतः अभिलेखों की जांच पड़ताल पर यदि यह पाया जाए कि किसी संघ के विधिमान्य सदस्य 2,000 हैं और मान लो कि विरोधी संघ इन सदस्यों में से 800 पर आक्षेप करता है तो पश्चात् कथित में से 15% का प्रतिदर्श लेना होगा अर्थात् 120 व्यक्तियों से वैयक्तिक रूप से पूछताछ करनी होगी । यदि वैयक्तिक पूछताछ पर यह पाया जाए कि 120 व्यक्तियों में से 30 (अर्थात् 25 प्रतिशत) संघ की सदस्यता से इंकार कर रहे हैं तो, संघ की सदस्य संख्या उन 800 व्यक्तियों के 25 प्रतिशत से जिनकी सदस्यता पर आक्षेप किया गया था अर्थात् 200 घटा दी जाएगी । अन्य शब्दों में अंतिम रूप से संघ की सदस्यता इस दशा में 1,800 होगी ।

[2,000(8,000 का 25 प्रतिशत)—1,800]

यदि वे व्यक्ति, जो पूछताछ करने पर उस संघ की सदस्यता से जो उनके अपने सदस्य होने का दावा करता है इंकार करते हैं, सत्यापन अधिकारी उस संघ के सदस्यों की सूची और अभिलेखों से उनकी सदस्यता की जांच करेगा और उसकी सूची का तदनुसार समायोजन करेगा, अर्थात् उनके नाम विरोधी संघ की सूची में, यदि वे पहले ही इसमें सम्मिलित न हों, जोड़ दिए जाएंगे और दावा करने वाले संघ की सूची से, ऊपर वर्णित रीति में अपवर्जित कर दिए जाएंगे ।

8. ऊपर पैरा (6) में वर्णित रूप में वैयक्तिक सत्यापन करते समय, सत्यापन अधिकारी किसी संघ या प्रबंध के प्रतिनिधियों को उपस्थित रहने के लिए अनुज्ञात नहीं करेगा ।

9. सत्यापन-कार्य पूरा होने पर सत्यापन अधिकारी मुख्य श्रम प्रायुक्त को रिपोर्ट देगा ।

*वर्गीकृत प्रतिदर्श से समान अन्तरालों पर, जिन्हें प्रतिदर्श अन्तराल कहा जाता है, के व्यक्तियों को लिये हुए सूची से प्रतिदर्श अभिप्रेत है । प्रतिदर्श अन्तराल :—

आक्षेप सूची में व्यक्तियों की कुल संख्या

प्रतिदर्श में व्यक्तियों की संख्या
होनी चाहिए ।

इस प्रकार उदाहरणार्थ यदि,, आक्षेप सूची में 400 कर्मकार हैं और 100 कर्मकारों का प्रति-दर्श चयन किया जाना है तो सत्यापन अधिकारी को सूची में के प्रत्येक 400/100 वां या चौथे कर्मकार का चयन करना चाहिए । फिर भी यह आवश्यक नहीं है कि सभी दशाओं में सूची में के चौथे नाम से चयन आरंभ होना चाहिए । प्रथम प्रतिदर्श सूची में का या तो पहला हो सकता है या दूसरा या तीसरा या चौथा । इस प्रकार उदाहरणार्थ यदि पहला नाम प्रथम प्रतिदर्श के रूप में चयन किया जाता है तब पश्चात्तवर्ती प्रतिदर्श 5वें, 9वें, तेरहवें आदि नाम होंगे : किन्तु यदि दूसरा नाम प्रथम प्रतिदर्श के रूप में लिया जाता है तो पश्चात्तवर्ती प्रतिदर्श सूची में के छठे, दसवे चौदहवें आदि नाम होंगे ।

उपाबन्ध 2

प्रथम सूचना	} रसीदी रजिस्ट्री कृत आक द्वारा
द्वितीय सूचना	

भारत सरकार

अम और नियोजन मंत्रालय

..... का कार्यालय
तारीख

सं०

सेवा में

महा सचिव

.....

.....

विषय: राष्ट्रीयकृत बैंकों में कार्य कर रहे संघों की सदस्यता का स्थापन

प्रिय महोदय,

मैं राष्ट्रीयकृत बैंक (प्रबन्ध और प्रकीर्ण उपबन्ध) स्कीम, 1970 की प्रथम अनुसूची में यथा-विनिर्दिष्ट राष्ट्रीयकृत बैंकों में कार्य कर रहे संघों की सदस्यता के स्थापन के लिए प्रक्रिया (प्रति संलग्न) के पैरा 2 और 3 के सदर्थ की ओर ध्यान आकषिप्त करता हूँ और आपसे निवेदन है कि निम्नलिखित को, (स्थान) तारीख को बजे दें।

(i) को, अपनी संघ की सदस्यता प्रत्येक सदस्य का नाम, पदामिधान, उस शाखा कार्यालय का नाम जहाँ वह कार्य कर रहा है और क्या वह कर्मकार या कर्मकार से भी कर्मचारी है, को दशित करने वाली सूची/सूची में केवल उन सदस्यों के नाम होने चाहिए जिन्होंने को समाप्त होने वाली छह मास की कालावधि के दौरान कम से कम 3 मास का चन्दा संदत्त कर दिया है; और

(ii) (क) सदस्यता-एवं-चन्दा रजिस्टर

(ख) रसीदों के प्रतिपण

(ग) रोकड़ और लेखा बहियाँ

(घ) बैंक पुस्तिकाएं

(ङ) संघ के संविधान की प्रति

(च) रजिस्ट्रीकरण प्रमाणपत्र

(छ) यदि संघ किसी ग्रामिल भारतीय/राज्य परिसंघ/केंद्रीय संगठन के साथ सम्बन्धित हो तो संबद्धता प्रमाणपत्र और संघाय रसीद

(ज) व्यवसाय संघ रजिस्ट्रार को सबसे पश्चात पेश की गई विवरणी की प्रति।

(अ) पदाधिकारियों की सूची ; और

(ब) कार्यवृत्त पुस्तिका

****2.** कृपया, इस पर ध्यान दें कि यदि अपेक्षित वस्तावेज ऊपर नियत तारीख को पेश नहीं किए जाते हैं तो आपके संघ की सदस्यता को सत्यापित करने के लिए आगे और कोई प्रयत्न नहीं किया जाएगा ।

कृपया इस पत्र की प्राप्ति की अभिस्वीकृति दें ।

भवदीय,

सहायक अम आयुक्त (केन्द्रीय)

अम प्रवर्तन अधिकारी (केन्द्रीय)

****दूसरी सूचना के लिए**

सूचना के लिए प्रतिलिपि निम्नलिखित को प्रेषित :—

(1) सभापति, (संघ का नाम और पता)

***(2)** कोषाध्यक्ष यथोक्त

(3) प्रादेशिक, अम आयुक्त

(4) मुख्य अम आयुक्त (केन्द्रीय), नई दिल्ली ।

सहायक अम आयुक्त (केन्द्रीय)

*नाम से

अम प्रवर्तन अधिकारी (केन्द्रीय)

द्वितीय अनुसूची

(खण्ड 15 देखें)

1. पश्चिमी क्षेत्र, गुजरात और महाराष्ट्र राज्य तथा गोवा, दमण और दीव तथा दादर और नागर हवेली के संघ राज्य क्षेत्रों, से मिलकर बनेगा ।

2. पूर्वी क्षेत्र, अरुण (जिसमें मेघालय सम्मिलित है), नागालैण्ड, पश्चिमी बंगाल, बिहार और उड़ीसा के राज्यों तथा मणीपुर, त्रिपुरा तथा अरुणाचल और निकोबार दीप समूह के संघ राज्य क्षेत्रों से मिलकर बनेगा ।

3. केन्द्रीय क्षेत्र, मध्य प्रदेश और उत्तर प्रदेश राज्यों से मिलकर बनेगा ।

4. उत्तरी क्षेत्र, जम्मू-कश्मीर, पंजाब, हरियाणा, राजस्थान राज्यों तथा हिमाचल प्रदेश, जम्मूगढ़ और दिल्ली के संघ राज्य क्षेत्रों, से मिलकर बनेगा ।

5. दक्षिणी क्षेत्र, आन्ध्र प्रदेश, मैसूर, तामिल नाडू और केरल राज्यों तथा पांडिचेरी और [लकाद्वीप, मीनीकोय और अमीनदीवी द्वीप समूह के संघ राज्य क्षेत्रों, से मिलकर बनेगा ।

[फा0 सं0 1(1)-पी एस बी-एन बी/70]

अर्जुन बक्शी, सचिव, ।

(Department of Revenue and Insurance)

STAMPS

New Delhi, the 28th November 1970

S.O. 3794.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the bonds of the value of one hundred and ten lakhs of rupees, to be issued by the Uttar Pradesh Financial Corporation, are chargeable under the said Act.

!

[No. 16/70-Stamp-F. No. 1/29/70-Cus.VII.]

(राजस्व और बीमा विभाग)

स्टाम्प

नई दिल्ली, 28 नवम्बर, 1970

क्र० आ० 3794.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा उस शुल्क से जिसके द्वारा उत्तर प्रदेश वित्तीय निगम द्वारा जारी किए जाने वाले एक सौ दस लाख रुपए मूल्य के बन्ध-पत्र उक्त अधिनियम के अधीन प्रभावी है, छूट देती है।

[सं० 16/70-स्टाम्प-एफ सं० 1/29/70-सी० शुल्क VII.]

CUSTOMS

New Delhi, the 28th November 1970

S.O. 3795.—In exercise of the powers conferred by clause (a) of section 7 of the Customs Act, 1962 (52 of 1962), and in supersession of the notification of Government of India in the Ministry of Transport and Communications (Department of Communications and Civil Aviation) No. 10-A/33-61, dated 4th July, 1961, the Central Government hereby appoints the airport at Amritsar (Rajasañsi) as a customs airport for the purpose of unloading of goods of Afghanistan origin and baggage imported from Afghanistan and loading of goods of Indian origin and baggage for export to Afghanistan when such goods and baggage are brought into, or taken out of, the said airport.

[No. 100/70-Customs/F. No. 4/11/70-Cus.VII.]

सीमा शुल्क

नई दिल्ली, 28 नवम्बर 1970

क्र० आ० 3795.—सीमा शुल्क अधिनियम, 1962 (1962 का 52) की धारा 7 के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के परिवहन और संचार मंत्रालय (संचार और सिविल विमानन) सं० 10-ए/33-61, तारीख 4 जुलाई, 1961 को अधिकांत करते हुए केन्द्रीय सरकार एतद्वारा अमृतसर (राजासांसी) पर को एयरपोर्ट की, अफगानिस्तानी माल के माल और अफगानिस्तान से आयात किए गए सामान को उतारने के प्रयोजन के लिए और भारतीय मूल के माल तथा अफगानिस्तान को निर्यात के लिए सामान के लदान के प्रयोजन के लिए जब ऐसा माल या सामान उक्त एयरपोर्ट में लाया जाए या उससे बाहर ले जाया जाए, सीमा शुल्क एयरपोर्ट के रूप में नियत करती है।

[सं० 100/70—सीमाशुल्क/एफ० सं० 4/11/70 सीमा शुल्क VII]

S.O. 3796.—In exercise of the powers conferred by clause (a) section 7 of the Customs Act, 1962 (52 of 1962), and in supersession of the notification of the Government of India in the Ministry of Finance (Department of Revenue and Insurance) No. 214/F. No. 14/24/66-LCII, dated 30th December, 1966, and the notification of the Government of India in the Department of Communications No. V26, dated 2nd December, 1937, the Central Government hereby appoints the airports at Trivandrum and Tiruchirapalli as customs airports for the purpose of unloading of goods of Ceylonese origin and baggage imported from Ceylon and loading of goods of Indian origin and baggage for export to Ceylon when such goods and baggage are brought into, or taken out of, the said airports.

[No. 101/70-Customs/F.No.4/11/70-Cus.VII.]

का० अ० 3796.—सीमा शुल्क अधिनियम, 1962 (1962 का 52) की धारा 7 के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोजन करने हुए और भारत सरकार के वित्त मंत्रालय (राजस्व और सीमा विभाग) की अधिसूचना 10-214 एफ० स० 14/24/66-एल० सी० II तारीख 30 दिसम्बर 1966 को अधिकांत करने हुए केन्द्रीय सरकार एतद्द्वारा त्रिवेन्द्रम और तिरुचिरापल्ली की एयरपोर्टों को, श्रीलंका मूल के माल और श्रीलंका से आयात किए गए सामान के उतारने के प्रयोजन के लिए और भारतीय मूल के माल तथा श्रीलंका को निर्यात के लिए सामान लदान के प्रयोजन के लिए, जब ऐसा माल या सामान उक्त एयरपोर्टों में लाया जाए या उन से बाहर ले जाया जाए सीमा शुल्क एयरपोर्टों के रूप में नियत करती है।

[सं० 101/70-सीमा शुल्क/एफ० सं० 1/11/70-सी० शु० VII.]

S.O. 3797.—In exercise of the powers conferred by clause (a) of section 7 of the Customs Act, 1962 (52 of 1962), and in supersession of the notifications of the Government of India in the Ministry of Communications Nos. 10-A/10-52, dated the 29th October, 1952 and 10-A/24-60, dated the 28th March, 1960, the Central Government hereby appoints the airports at Patna and Varanasi as customs airports for the purpose of unloading of goods of Nepalese origin and baggage imported from Nepal and loading of goods of Indian origin and baggage for export to Nepal when such goods and baggage are brought into, or taken out of, the said airports.

[No. 102/70-Customs/F. No. 4/11/70-Cus.VII.]

P. K. KAPOOR, Under Secy.

का० अ० 3797.—सीमा शुल्क अधिनियम, 1962 (1962 का 52) की धारा 7 के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए और भारत सरकार के संचार मंत्रालय की अधिसूचना संख्या 10-क/10-52, तारीख 29 अक्तूबर, 1952 और 10-ए 24-60 तारीख 28 मार्च, 1960 को अधिकांत करने हुए केन्द्रीय सरकार एतद्द्वारा पटना और वाराणसी एयरपोर्टों को, नेपाली मूल के माल और नेपाल से आयात किए गए सामान को उतारने के प्रयोजन के लिए और भारतीय मूल के माल तथा नेपाल को निर्यात के लिए सामान के लदान से प्रयोजन के लिए, जब ऐसा माल या सामान उक्त एयरपोर्टों में लाया जाए या उन से बाहर ले जाया जाए, सीमा शुल्क एयरपोर्टों के रूप में नियत करती है।

[सं० 102/70-सी० शु०/एफ० सं० 4/11/70-सी० शु० VII.]

पी० के० कपूर, अव्वर सचिव ।

(Department of Company Affairs)

New Delhi, the 20th November 1970

S.O. 3798.—In exercise of the powers conferred by sub-rule (1) of rule 5A of the Companies (Central Government's) General Rules and Forms, 1956, the Central Government hereby appoints the Official Liquidator attached to the Allahabad High Court, Allahabad, as the prescribed authority for purposes of use (a) of sub-section (1A) of Section 108 of the Companies Act, 1956 (1 of 1956).

[No. F.5/5/70-CL.V.]

V. K. VENKATARAMAN, Under Secy.

कम्पनी कार्य विभाग

नई दिल्ली, 20 नवम्बर, 1970

का० ग्रा० 3798—कम्पनी (केन्द्रीय सरकार की) साधारण नियम और प्रहप, 1956 के नियम 5क के उपनियम (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एाद्वारा इनाहाबाद उच्च न्यायालय, इनाहाबाद, से संलग्न शासकीय सभापक को कम्पनी अधिनियम, 1956 (1956 का 1) धारा 108 की उपधारा (1क) के खण्ड (क) के प्रयोजनों के लिए विहित प्राधिकारी के रूप में नियुक्त करती है।

[फाइल सं० 5/5/70-सी० एल० 5]

बी० के० वेंकटरामन, अध्वर सचिव।

MINISTRY OF FOREIGN TRADE

(Office of the Jt. Chief Controller of Imports & Exports)

(Central Licensing Area)

ORDER

New Delhi, the 28th June 1970

S.O. 3799.—M/s. Gillanders Arbuthnot and Co. Ltd., Regal Building, New Delhi were granted an Established Importers licence No. P/E/004207 dated the 4th February, 1970 for Rs. 10826/- for import of Drugs and Medicines. They have applied for the duplicate customs purpose copy of the said licence on the ground that the original has been lost or misplaced. It is, further stated by the firm that the original Custom Purpose Copy of the licence was not registered with Customs House and hence has not been utilised.

In support of this declaration, the applicant has filed an affidavit duly attested stating that the original Customs Purpose Copy of the licence has been lost or misplaced.

I am satisfied that the original Custom Purpose copy of the said licence has been lost and direct that duplicate Custom Purpose Copy should be issued to the applicant. The original Customs Purpose copy of the licence is cancelled.

[No. DM/47/AM-70/QL/CLA.]

R. L. VERMA,

Dy. Chief Controller of Imports and Exports.

For Jt Chief Controller of Imports and Exports.

विदेश व्यापार मंत्रालय

(संयुक्त मुख्य नियंत्रक, आयात-निर्यात का कार्यालय)

(केन्द्रीय लाइसेंसिंग क्षेत्र)

आदेश

दिल्ली 29 जून 1970

एस० ग्रा० 3799.—सर्वोच्च गिलेण्डर्स अरबुथनोट एण्ड कं०, लि० रीगल बिल्डिंग, नई दिल्ली को आवेदन तथा लाइसेंसों के आयात के लिए 10,826 रुपये का संस्थापित आयात लाइसेंस संख्या

0042407, दिनांक 4-2-70 प्रदान किया गया था। उन्होंने उक्त लाइसेंस की अनुलिपि सीमा शुल्क कार्य सम्बन्धी प्रति के लिए आवेदन किया है, इसके लिए यह आधार प्रस्तुत किया है कि मूल प्रति खो गई है या गलत स्थान पर रख दी गई है। फर्म द्वारा आगे यह बताया गया है कि उक्त लाइसेंस की मूल सीमा शुल्क कार्य सम्बन्धी प्रति सीमा-शुल्क कार्यालय में पूंजीकृत नहीं की गई थी, अतः उसका उपयोग नहीं किया गया है।

अपने तर्क के समर्थन में आवेदक में विधिवत साक्षात्कृत एक शपथपत्र यह बताते हुए जमा किया है कि लाइसेंस की मूल सीमा शुल्क कार्य सम्बन्धी प्रति खो गई है अथवा गलत स्थान पर रख दी गई है।

मैं इस बात से संतुष्ट हूँ कि उक्त लाइसेंस की मूल सीमा शुल्क कार्य सम्बन्धी प्रति खो गई है और निदेश देता हूँ कि आवेदक को अनुलिपि सीमा शुल्क कार्य सम्बन्धी प्रति जारी की जानी चाहिए। लाइसेंस की मूल सीमा शुल्क कार्य सम्बन्धी प्रति रद्द की जाती है।

सं० डी एम/47/ए एम/70/का एल/मी एल ए

आर० एल० वर्मा,

उप-मुख्य नियंत्रक, आयात-निर्यात,

कृते संयुक्त मुख्य नियंत्रक, आयात-निर्यात।

